



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JANUARY 5, 2009**



**APPROVAL OF PRINTED COUNCIL
PROCEEDINGS**

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by City Clerk Swope.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

City Clerk Swope asked for a moment of silence to remember Maria Velasquez, who recently passed away.

Councilmember Kaltenbach asked for a moment of to remember Dennis Zuchowski, who recently passed away.

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by City Clerk Swope

RESOLUTION #001

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a nomination for President for the Lansing City Council in 2009 was made at Committee of the Whole on January 5, 2009; and

WHEREAS, Councilmember Kathie Dunbar made a motion to nominate Councilmember Derrick Quinney as President;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, unanimously, appoints Councilmember Derrick Quinney as President for the Lansing City Council for the year 2009.

By Councilmember Jeffries

Motion Carried

City Clerk Swope passed the gavel to Council President Derrick Quinney.

RESOLUTION #002

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a nomination for Vice President for the Lansing City Council in 2009 was made at the Committee of the Whole on January 5, 2009; and

WHEREAS, Councilmember Kathie Dunbar made a motion to nominate Councilmember A'Lynne Robinson as Vice President;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, unanimously, appoints Councilmember A'Lynne Robinson as Vice President for the Lansing City Council for the year 2009.

By Councilmember Jeffries

Motion Carried

By Councilmember Robinson

To approve the printed Council Proceedings of December 8, 2008

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS**

Councilmember Kaltenbach thanked Jessica Yorke and the Northwest Initiative for holiday decorations in the city. He also thanked Nick Limber for donating property for a Welcome to the Westside Neighborhood sign.

Councilmember Allen thanked Jessica Yorke for her decorating efforts.

Councilmember Dunbar thanked Jessica Yorke for her decorating efforts and announced the 4th Annual She Laughs event.

Councilmember Robinson spoke about Pastor Dickson's Halleluiah Bowl, which was a safe New Year's Eve bowling event. She also announced the next 2nd Saturdays event.

Councilmember Wood spoke about Jim and Pat Hayden's 50th wedding anniversary and asked for remembrance of George Brookover's mother who recently passed away.

Councilmember Hewitt thanked those who fed police officers on Christmas Eve and Christmas Day. He also thanked Michael Murphy for inviting him to a Kwanzaa celebration. He announced the next Eastside Neighborhood Organization and Holmes St. School Neighborhood Association meetings.

Council President Quinney thanked Joan Jackson Johnson for her efforts related to the latest Mobile Food Pantry. He announced a President Obama inauguration gala and a pancake breakfast fundraiser for a scholarship fund for Averil LeMon.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero congratulated President Quinney and Vice President

Robinson on their election to those positions. He wished everyone a Happy New Year. He spoke about the challenges the city faces in 2009. He stated that 2008 was a solid year for the Lansing Economic Development Corporation. He spoke about issues related to General Motors, green initiatives, the City's recent response to a snow storm, the City's sidewalk cleaning and overnight parking policies. He announced plans related to the City's upcoming sesquicentennial and the next Mobile Food Pantry.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

Richard Clement of PO Box 26123 spoke about the election of City Council officers.

Damell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the election of City Council officers.

John Pollard of 1817 Blair St. spoke about the election of City Council officers.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the election of City Council officers.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Harold King of 1563 N. High St. spoke about various city matters.

Gerald Rowley of 737 N. Pennsylvania Ave. spoke about property located at 927 May St.

Manuela Kress of 1712 E. Michigan Ave. spoke about the Women's Center of Greater Lansing.

Missy Lilje of 137 Allen St. and Joyce Bischoff of 5824 Bois Ile Dr., Haslett, spoke about a Happendance event for Lansing's Sesquicentennial.

Richard Clement of PO Box 26123 spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Ron Kruger of 3333 Moores River Dr. spoke about graffiti.

Jon Boise of 4924 Tenny St. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Damell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Dayle Benjamin of 1323 N. Chestnut St. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #003

BY COUNCILMEMBERS SANDY ALLEN, KATHIE DUNBAR, ERIC HEWITT, BRIAN JEFFRIES, TIM KALTENBACH, DERRICK QUINNEY, A'LYNNE ROBINSON, AND CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sherill D. Pittman's kind, compassionate, and generous nature, along with her willingness to always lend a hand to friends, family, and neighbors, exemplifies her outstanding citizenry; and

WHEREAS, Sherill is a lifelong resident and proud mother of a beautiful son, Damieon; and

WHEREAS, she has worked for the State of Michigan for 35 years, currently as a Departmental Technician for the Department of Labor and Economic Growth; and

WHEREAS, she is co-founder and board member of the El Shabazz Academy and an organizer for the "Back in the Day Picnic" for the Westside Neighborhood; and

WHEREAS, Sherill serves on the West Jr. Committee, First Tee Golf Committee, and coached women's golf at Lansing Everett High School for two years; and

WHEREAS, she is very involved and is an active supporter of the Girls and Boys Everett Basketball Teams as well as the Eastern High School Basketball Team.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Sherill D. Pittman for her leadership and support to Lansing's youth and her commitment to strengthening neighborhoods through community efforts.

By Councilmember Robinson

Motion Carried

RESOLUTION #004

BY COUNCILMEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Larry M. Trice was born in Jackson, Michigan, the second of four children born to Angelene L. Trice and the late Larry M. Trice, Sr.; and

WHEREAS, at a young age, his family relocated to Lansing, Michigan where he later graduated from Waverly Senior High School; and

WHEREAS, Larry began his service to God in his teen years at the Pentecostal Outreach Church, now the Tabernacle of David Church of God in Christ, in the Music Department and later becoming the Minister of Music, a position he held faithfully for seventeen years; and

WHEREAS, upon entering the Ministry full-time, Pastor Trice served as the Assistant Pastor and Church Administrator to his mother, Pastor Angelene L. Trice; and

WHEREAS, Pastor Trice and his wife Lene'a have three beautiful children, daughter, LaRae M., and sons, Larry M. III and Lawrence Mark; and

WHEREAS, in addition to being a father and Pastor, he is an accomplished and gifted musician, recently completing his first recording project "Times of Refreshing" with the Tabernacle Voices of Praise during a live concert; and

WHEREAS, Pastor Trice is a fourth generation Pastor, who serves the church and community in earnest and whose love for others is the landmark of all his endeavors; and

WHEREAS, Pastor Trice's reputation for empathy, compassion, and a loving heart is known throughout the Greater Lansing area and the State at-large and is a source of inspiration for many; and

WHEREAS, Pastor Trice is seen as the Pastor of "a great people, of a great house" at the Tabernacle of David Church of God in Christ and strives to empower the Church, the community, and families to reach higher levels of excellence;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, congratulates Pastor Larry M. Trice on his award as "Pastor of the Year" by the Church of God in Christ and thank him for his contributions and commitment to the City of Lansing and its residents.

By Councilmember Robinson

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the placement on file of the Board of Water and Light's proposed rate changes effective March 1, 2009

RECEIVED AND PLACED ON FILE

- ii. Submitting a request from Jerome Abood to Transfer Ownership of 2008 Class C Licensed Business, located in Escrow at 3552 Meridian Crossing, Okemos, from Lite-R-Side, Inc. to API East of Eden, Inc.; Transfer Location (Governmental Unit) (MCL 436.1531 (1) to 205 S. Washington Sq.; and requests a new Dance-Entertainment Permit and new Official Permit (Dance-Entertainment) for weekdays (2:30 a.m. to 3:00 a.m.) and Sundays (7:00 a.m. to 3:00 a.m.)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. City of Lansing 2008 Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2008

REFERRED TO THE COMMITTEE OF THE WHOLE

- c. Letter from the Board of Water and Light providing notice of the status of 312 N. Grand River Ave., Former Ottawa Station Site

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing 15 day notice for and submitting a copy of an application filed by Grand River Tower LLC for a permit for alteration or occupation of a floodplain for property located at 225 S. Grand Ave.

REFERRED TO THE PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Notice from the State of Michigan Public Service Commission of a public hearing for the Electric customers of Consumers Energy Company Case U-15645 held December 18, 2008

RECEIVED AND PLACED ON FILE

- c. Tri-County Regional Planning Commission Financial Statements for the year ended September 30, 2008, its Independent Auditor's Report and Single Audit Reports

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

- d. Letter from the Ingham Intermediate School District providing notice of its intent to collect 100% of 2009 Summer Taxes

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

- e. Letter from the Lansing School District providing notice of its intent to collect 100% of 2009 Summer Taxes

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

- f. Letter from Comcast Cable providing notice of new service offerings effective January 6, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD AND REFERRED TO THE CITY ATTORNEY

- g. Letter from AT&T Michigan providing notice of new service offerings in the City of Lansing

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD AND REFERRED TO THE CITY ATTORNEY

- h. Affidavit of Disclosure filed by Luke Mardigian of the Lansing Police Department

REFERRED TO THE BOARD OF ETHICS

- i. Claims appeal filed on behalf of Michael Lee for property located at 3206 Jerree St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- j. Claims appeal filed by Janet Smith for property located at 614 Helen St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

REMARKS BY COUNCILMEMBERS

Councilmember Allen asked Mayor Bernero about fines for snow removal and asked if there were exemptions for senior citizens and the handicapped. Mayor Bernero stated that such citizens could call his office regarding the exemptions.

Councilmember Wood stated that several neighborhood organizations have tool banks that might have shovels to lend to residents to clear snow from sidewalks. She announced that Neighborhood Grants applications were due January 9, 2009.

Councilmember Jeffries thanked the City Council and Mayor Bernero for working together while he was President of the Council.

Council President Quinney addressed comments made by speakers tonight regarding free speech. He asked his fellow City Councilmembers to submit their requests for committee assignments and thanked them for electing him President. He spoke about the upcoming budget process.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Mayor Bernero addressed comments made by speakers tonight regarding graffiti at a carwash.

Councilmember Kaltenbach spoke about a mural painted over the graffiti at the carwash.

Councilmember Dunbar stated that the Public Service Department did a wonderful job plowing streets after the recent snow storms.

Councilmember Hewitt spoke about the graffiti at the carwash.

ADJOURNED TIME 8:52 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JANUARY 12, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Quinney, Robinson, Wood

ABSENT: Councilmembers Dunbar (arrived at 7:16 p.m.) and Kaltenbach

Council President Quinney asked that we remember Sherill Pittman, who recently passed away during the Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of January 5, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Tribute; Remembering Maria Rodriguez Velasquez and recognizing her lifetime achievements

Councilmember Wood spoke about the life of Maria Rodriguez Velasquez, about her love of family and her dedication to the City of Lansing.

City Clerk Swope read the following Resolution:

RESOLUTION #005

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Maria Rodriguez Velasquez was born on November 26, 1925 in Ballenger, Texas to Juanita and Aurelio Rodriguez, who were both born and raised in Mexico; and

WHEREAS, shortly after Maria was born, Aurelio moved his family to Crystal City, Texas. Maria's very early life consisted of makeshift camps inhabited by migrant farm workers and the crops that were harvested each year; and

WHEREAS, in 1933, at the young age of 8, Maria's young life changed

drastically after the death of her mother. Her childhood over, Maria took over the household duties and took care of her younger brother and sister while her father worked to make ends meet; and

WHEREAS, in 1938, Aurelio packed up his three children, Maria, Sylvia, and Cipriano (Tony), with little more than the clothes on their backs, and jumped aboard a labor contractor's truck for the long journey from Crystal City, Texas to Michigan; and

WHEREAS, the family first settled in Jackson and labored in the fields picking cherries, carrots, onions, string beans, and sugar beets. They roamed the state, moving from farm to farm in search of work and finally settled in Lansing, Michigan; and

WHEREAS, in 1943, after a brief courtship, Maria and Filipe married and began a life together, continuing their work as migrant workers as well as working odd jobs; and

WHEREAS, it was four years later in 1947 that Maria lost her brother, Tony, to lung disease caused by years of exposure to deadly pesticides and other hazardous fertilizers; and

WHEREAS, in 1953, Maria was diagnosed with tuberculosis and spent the next 19 months in the hospital to remove part of a lung and to recuperate from the effects of the tuberculosis. Her seven children were looked after by her father, Aurelio, and step-mother, Petra, until Maria fully recovered and returned with a quiet defiance to begin a new life and make life better for her family; and

WHEREAS, Maria found work at Sohn Linen Service and a second job as a cook at a local Mexican restaurant, Torres Taco House, working both for the next 13 years; and

WHEREAS, Maria's oldest daughter, Juanita, was the first to graduate from Eastern High School in 1958, setting a pattern for her fourteen brothers and sisters. In 1976, she was given a Special Parent Award for her active volunteer participation at school events; and

WHEREAS, in 1972, while on her first volunteering assignment, Maria set a precedent by being the first female recipient of the Boys Club of Lansing's Man of the Year Award. She eventually convinced the Boys Club to start allowing girls to participate in after school activities; and

WHEREAS, in 1980, Maria was elected as an Ingham County Commissioner and subsequently, won re-election in 1982; and

WHEREAS, after 35 years of service, Maria retired in 1990 from Sohn Linen Service and the owners presented her with a two-week vacation in Hawaii and her children surprised her with the keys to a brand-new 1990 Buick Century; and

WHEREAS, after her retirement, Maria was prepared to spend the golden years of her life with her children and beloved Felipe. In 1993, her and Felipe's 50th wedding anniversary celebration was held, but not with the excitement once anticipated due to the death of their daughter, Santos, one month earlier; and

WHEREAS, just one year after their 50th wedding anniversary, her beloved Felipe departed. Grieving, but unwilling to sit idle for too long, Maria quietly continued her volunteer work at the American Red Cross Distribution Center, which she continued until 2008; and

WHEREAS, in 1995, Maria was awarded the Senior Service Award and a tree was planted in her honor in Frances Park in Lansing, and in 1996, she received a Lifetime Achievement Award from the United States Hispanic Leadership Conference; and

WHEREAS, Maria's volunteer service included St. Mary Cathedral Church Council and Altar Society, the Boys and Girls Club of Lansing, the American Red Cross, Food Distribution Center as well as serving as a member of the Corporate Board Chicano Advisory Committee to the Lansing Board of Education Spanish Speaking Democrats, the Lansing Chapter Michigan Spanish Speaking Democrats, the Ingham County Democratic Party, the Mujeres Unidas de Michigan, the President League of United Latin American Citizens, the El Renacimiento, the Y.W.C.A Board of Directors, and the Democratic Women's Caucus; and

WHEREAS, Maria served as Treasurer of the American G.I. Forum and the Pedro Mireles Chapter and as a member of the A. Phillip Randolph Institute, Girl Scouts of America, Greater Lansing Food Bank Board of Directors, Board of Universidad Autonoma of Guadalajara of Lansing Community College, and Student Exchange and as a delegate at the National Democratic Convention; and

WHEREAS, for her dedication and service to Lansing, she received numerous awards, which include the Committee Patriotic Diploma of Honor, the Boys Club of Lansing Medallion Award, nominee as delegate to the Women's Year Conference and a Certificate of Appreciation from Governor Milliken, the Boys Club of America, the Y.W.C.A., and the Livonia League of Women Voters. She also received Honor Roll membership to the Women's Hall of Fame, the Y.W.C.A Diana and Service Awards, and the United States Hispanic Leadership Institute's Lifetime Achievement Award; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Maria Rodriguez Velasquez for her remarkable strength and courage and for her many years of service to the City of Lansing and its residents. Maria will be dearly missed by her family, friends, and the community which she loved and cared for as her own family. Through her life, she rose above her struggles and inspired those around her with her warmth, kindness, and sincerity.

By Councilmember Wood

Motion Carried

Aurelio Velasquez thanked the City Council for this honor on behalf of his family.

2. Tribute; Pastors United of Lansing on their 21st Annual Dr. Martin Luther, King, Jr. Celebration Service

Councilmember Wood spoke about the Pastors United of Lansing and presented them with the following resolution:

RESOLUTION #006

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Pastors United of Lansing will hold their 21st Annual Dr. Martin Luther King, Jr. celebration service on Thursday, January 15, 2009, at the New Jerusalem Church, located at 1919 S. Pennsylvania Avenue at 7:00 p.m.; and

WHEREAS, each year the pastors honor Dr. King's life and ministry with a service on his birthday, January 15th; and

WHEREAS, the Pastors will hold a special tribute to the late Reverend Dr. J.E. Graves, founder of the Pastor's Conference of Greater Lansing, led the effort to name a street in the City of Lansing after Dr. King and who marched with Dr. King during the 1950's and 1960's for civil rights and social justice in America.

WHEREAS, the Pastors United 2009 celebration will feature Reverend Robert Dean, Pastor of the New Life Church of God in Christ in Grand Rapids, as the Keynote Preacher and launch the Pastor's United of Lansing's campaign to honor Dr. Graves with a special memorial designation in the City of Lansing for his leadership and contributions to the Lansing community; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, congratulates the Lansing Pastors United of Lansing on their 21st Annual Dr. Martin Luther King, Jr. celebration service.

BE IT FURTHER RESOLVED that the citizens of our community are encouraged to come together and celebrate the legacy of Dr. King and Reverend Graves to this free event being held on January 15, 2009 at 7:00 p.m.

By Councilmember Wood

Motion Carried

Rev. Charles Bicy thanked the City Council for this honor and invited everyone to attend their celebration service.

Councilmember Dunbar arrived at the meeting at 7:16 p.m.

Rev. Michael Murphy thanked the Mayor and City Council for this honor and recognized Council President Quinney and Vice President Robinson on their election as City Council officers. He spoke about the upcoming celebration service and asked everyone to remember the contributions of the late Rev. J.E. Graves.

Councilmember Wood spoke about Pastor Tyner's 56 years of pasturing, and stated that he and other pastors weren't present at the time of this ceremony.

3. Presentation; Recognition of Greater Lansing Area Holiday Commission's 24th Annual Luncheon in observance of Dr. Martin Luther King, Jr.

Mayor Bernero read the following proclamation:

WHEREAS: It is a privilege to join the Greater Lansing Area Holiday Commission as it hosts the 24th Annual Luncheon in celebration of Dr. Martin Luther King, Jr. Day on January 19, 2009 to recognize Dr. King's vision with this year's selected theme, "A Dream Comes Closer"; and

WHEREAS: This year's celebration is especially momentous as it is held one day prior to witnessing the historic inauguration of the 44th President of the United States of America, Barack H. Obama. When Martin Luther King Jr. spoke of his dream, he spoke of a day when a person would be judged on their character, not the color of their skin. With the recent election, we as a people have come closer to his dream; and

WHEREAS: This holiday should not be thought of as an arbitrary break from work or school, but a prelude to the January 20, 2009 inauguration and a day of reflection about Dr. King's lifelong accomplishment toward peace, justice and equality. It should be a day of participation, wherein all citizens contribute something positive to their community and the public, by educating our youth about the Civil Rights Movement and its progress over the years; and

WHEREAS: During his lifetime, Dr. King contended, "A genuine leader is not a searcher for consensus but a molder of consensus" He also espoused the notion that, "An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity". The results of this recent general election speaks to the truth that Yes We Can, Yes We Did, and Yes We Will; and

WHEREAS: In memoriam of his inspirational life, work, and worldview, Dr. King should never be forgotten by future generations. His legacy continues only if we actively work for positive social change. Let us, as a community and a nation, keep the dream alive so that his accomplishments continue to be remembered for years to come.

NOW, THEREFORE, I, VIRG BERNERO, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim January 19, 2009 as

“Dr. Martin Luther King, Jr. Day”

in Lansing. May we continue to pursue the social equality articulated in Dr. King's speeches and draw closer to living his dream.

Councilmember Robinson thanked the committeemembers on behalf of the City Council.

Myron Freeman stated that the Mayor's proclamation summed up the committee's efforts and stated that it is a pleasure to serve the greater Lansing area with the Dr. Martin Luther King, Jr. celebration. He stated that all of the commissioners work very hard. He thanked and introduced all of the committee members present.

Mayor Bernero stated that he really appreciates the efforts of the committee members. He also stated that tickets for the event can be purchased on the 4th floor of City Hall and at the Hannah Center in East Lansing.

4. Presentation; School Based Mini Grants to Lansing Teachers

Mayor Bernero stated that this is the 13th year of the program, which is funded through the proceeds of the City's annual golf outing. He stated that funds are to be used to combat substance abuse. He introduced the following grant recipients:

7th grade representatives from Otto Middle School's PALS program spoke about their program.

Linda Ketchum of Pleasant View School spoke about the school's PALS program.

Monie Rademacher of Post Oak Elementary spoke about the school's Drug Free Puppeteers.

Robin Pizzo of Wainwright Magnet School spoke about the school's Drug Free PSA.

Mary Zeineh spoke about Education Options Art Group at the Hill Center.

Linda Redding of Otto Middle School spoke about the school's Create and Relate After School Art program.

Mary Zeineh of Wexford Montessori Magnet School spoke about the school's After School Tae Kwon Do program.

Mayor Bernero thanked all of the students and coordinators present.

Ed Hagan spoke about how citizens can get involved in these programs through the United Way and the City's golf outing.

Mike Botke spoke about Teen Court.

Guillermo Lopez of the Human Relations and Community Service Department thanked all of the volunteers and Joan Jackson Johnson for all of their efforts related to these grant programs. He spoke about the City's Dr. Martin Luther, King, Jr. Celebration Service.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Robinson stated that a movie filmed on Fairview Ave. would be screened at Celebration Cinema. She announced the Lewton-Rich neighborhood meeting and spoke about the upcoming 2nd Saturdays meeting.

Councilmember Wood announced the Groesbeck neighborhood meeting and the Happendance event at Lansing Community College. She spoke about the Pastors United MLK event and the upcoming Bea Christy event.

Councilmember Dunbar wished Councilmember Robinson a happy 40th birthday. She spoke about the upcoming She Laughs event for the Women's Center and the Hawk Island Triathlon. She remembered the life of Olive Ikeh, who recently passed away.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero announced the next City Hall on the Road event, the next Mobile Food Pantry and a food drive at Eastern High School. He stated that there is a snow advisory for the next few days. He gave a Go Green! Initiative update and stated that the City would receive reimbursement for clean-up efforts related to last year's tornado event. He gave his condolences to the family of Olive Ikeh, who recently passed away.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

City Attorney Smith spoke about the opinion he rendered regarding the conduct of audience members at City Council meetings.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about Dr. Martin Luther, King, Jr. Celebration Service.

John Pollard of 1718 Blair Sr. spoke about Dr. Martin Luther, King, Jr. Celebration Service.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about Dr. Martin Luther, King, Jr. Celebration Service.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Morris Glover of 732 Wisconsin Ave. spoke about snow plowing.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Sylvester Stewart of 3601 Berwick Dr. spoke about various city matters.

Ammahad Shekarakki of 902 Willow St. spoke about getting a Malcolm X. memorial in the City of Lansing.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Willie Hobbs of 5017 S. Conner Ave. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Rob Wilcox of 1104 Pershing Dr. spoke about the City Council rules.

LEGISLATIVE MATTERS

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting a draft resolution calling the first meeting of the Elected Officers Compensation Commission (EEOC) for 2009

REFERRED TO THE COMMITTEE OF THE WHOLE

- b. Letters from the Mayor re:
 - i. Transfer of Funds;
 - Greater Lansing Go Green! Initiative
 - State/Federal Programs, Sobriety Court
 - State/Federal Programs, DART – Ingham County Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Application for Obsolete Property Rehabilitation Act (OPRA) District and Application for Obsolete Property Rehabilitation Exemption Certificate filed by Cool City Developers, LLC for property located at 1522 N. Turner St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Grant Acceptance; Pre-Disaster Mitigation Competitive Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Public Improvement V; Sidewalk Repair for an area

bounded by Oakland Avenue, Willow St., Seymour Ave. and North Washington Avenue; and also the south side of Ionia St. from N. Martin Luther King Jr. Blvd. to Pine St., excepting all public streets and alleys and other lands deemed not benefited

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

• Communications and Petitions, and Other City Related Matters:

- a. Tri-County Regional Planning Commission's Executive Director's Annual Accomplishments 2007-2008

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

- b. Claim for automobile damage submitted by Darnell E. Oldham, Sr. of 3815 Berwick Dr.

REFERRED TO THE CITY ATTORNEY

- c. Letter from Willy Williams of P.O. Box 11042 regarding the January 5, 2009 City Council meeting

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Kaltenbach from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Council President Quinney asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to check on the installation of traffic lights at the intersection of Michigan Ave. and Grand Ave., and also at Martin Luther King, Jr. Blvd. and William St.

Council President Quinney distributed the following committee assignments:

Committee on Ways and Means

Carol Wood, *Chair*
Tim Kaltenbach, *Vice Chair* Staff: Terese
Derrick Quinney, *Member*

Committee on Public Safety

Sandy Allen, *Chair*
Carol Wood, *Vice Chair* Staff: Diana
Eric Hewitt, *Member*

Committee on Intergovernmental Relations

Eric Hewitt, *Chair*
Sandy Allen, *Vice Chair* Staff: Diana
Kathie Dunbar, *Member*

Committee of the Whole

Derrick Quinney, *President* Staff: Terese
A'Lynne Robinson, *Vice President*

Committee on Development & Planning

Brian Jeffries, *Chair*
Sandy Allen, *Vice Chair* Staff: Diana
Derrick Quinney, *Member*

Committee on General Services

Tim Kaltenbach, Chair
Eric Hewitt, Vice Chair *Staff: Terese*
Derrick Quinney, Member

Committee on Public Services

Kathie Dunbar, Chair
Tim Kaltenbach, Vice Chair *Staff: Diana*
Brian Jeffries, Member

Committee on Personnel – Call of the Chair

A'Lynne Robinson, Chair
Derrick Quinney, Vice Chair *Staff: Terese*
Sandy Allen, Member
Kathie Dunbar, Member

Other Boards and Commissions

Employee/Police and Fire Retirement Boards: *Carol Wood*
EDC/Brownfield Re-development/Tax Increment Financing Authority/
Economic Development Corporation Board of Directors: *Brian Jeffries*
Greater Lansing Convention & Visitors Bureau: *Carol Wood*
Planning Board: *Brian Jeffries, Sandy Allen, Derrick Quinney*
Tri-County Michigan Works: *Sandy Allen, Derrick Quinney, Kathie Dunbar*
Tri-County Commission on Aging: *Sandy Allen, Kathie Dunbar*
Tri-County Regional Planning Commission: *Carol Wood, Eric Hewitt, Tim Kaltenbach*
Capital Region Airport Authority: *Brian Jeffries*
Downtown Blue Ribbon: *Tim Kaltenbach*
Downtown Lansing, Inc: *Tim Kaltenbach*
Lansing Entertainment & Public Facilities Authority: *Kathie Dunbar, Tim Kaltenbach*
Principal Shopping District: *Tim Kaltenbach*
Community Corrections Advisory Board: *Carol Wood*
Entrepreneur Institute of Mid-Michigan: *Carol Wood*
City of Lansing and Charter Township of Lansing Liaison Commission: *Kathie Dunbar, A'Lynne Robinson*

ADJOURNED TIME 8:57 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JANUARY 22, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 1:30 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney, Robinson

ABSENT: Councilmember Hewitt (arrived at 2:03 p.m.) and Wood

Council President Quinney asked for a moment of silence to remember the life of Rev. Clyde Darden who recently passed away.

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of January 12, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

City Clerk Swope sent his condolences to the families of Connie Lundmark and Regal Salisbury, election inspectors who recently passed away.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, encouraged the City Council to pass the Resolution for the City Council Meeting Venue for the State of the City Address.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the City Council Meeting Venue for the State of the City Address.

Councilmember Hewitt arrived at the meeting at 2:03 p.m.

John Pollard of 1718 Blair St. spoke about the City Council Meeting Venue for the State of the City Address.

Stan Shuck of 818 Cooper Ave. spoke about the City Council Meeting Venue for the State of the City Address.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Claude Beavers of 3010 Boston Blvd. spoke about City Council Rule #19.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #007

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor presents the State of the City Address annually as part of a City Council meeting; and

WHEREAS, the Mayor has expressed the desire and recommendation to hold the State of the City Address on January 26, 2009 as part of the Council meeting at 7:00 p.m. at the future home of the Information and Technology Empowerment Center (ITEC) and Spartan Internet Consulting at 1030 S. Holmes Street (formerly Holmes Street School); and

WHEREAS, the Committee of the Whole has reviewed this request and concurs in the Mayor's recommendation;

NOW, THEREFORE, BE IT RESOLVED that the January 26, 2009 Lansing City Council meeting will commence at 5:00 p.m. in the Council Chambers in City Hall and recess by 5:45 p.m. The City Council meeting will then reconvene at 7:00 p.m. by the call of the President at the future home of ITEC and Spartan Internet Consulting at 1030 S. Holmes Street, Lansing for the Mayor's State of the City address.

By Councilmember Robinson

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the Mayor re:

- i. Sole Source Purchase; Public Service Department/Wastewater Division request for JGM Valve Corporation as the vendor for two (2) Vaughan Chopper Pumps

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Venue for the Mayor's 2009 State of the City Address

RECEIVED AND PLACED ON FILE

• Communications and Petitions, and Other City Related Matters:

a. Contracts between the State of Michigan Department of Transportation and the City of Lansing for:

- i. Hot mix asphalt paving work along Dunckel Drive from Highway US-127 to Collins Road; including pavement removal, earth excavation, embankment, aggregate base, drainage improvements, and concrete curb and gutter work; and all together with necessary related work

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND REFERRED TO THE PUBLIC SERVICE DEPARTMENT AND REFERRED TO THE CITY ATTORNEY

ii. PART A - FEDERAL, STATE, & CITY PARTICIPATION

Removal of Structure S15 of 33045 which carries Dunckel Road over Highway I-496/US-127 and replacement of portions of Structure S15 of 33045 including the existing two lanes and widening to accommodate sidewalk on both sides of the bridge; together with necessary work, located within the corporate limits of the City; and

PART B - FEDERAL, STATE, & CITY PARTICIPATION

Deck overlay work and railing replacement on portions of Structures S12 and S14 of 33045 which carry northbound and southbound Highway I-496/US-127 over Jolly Road; together with necessary work, located within the corporate limits of the City; and

PART C - FEDERAL, STATE, & CITY PARTICIPATION

Railing replacement and approach work on portions of Structures S09-3 and S09-4 of 33045 which carry southbound and northbound Highway I-496/US-127 over Mount Hope Road, and railing replacement and approach work on Structures S10-3 and S10-4 of 33045 which carry southbound and northbound Highway I-496/US-127 over Forest Road; together with necessary work, located within the corporate limits of the City; and

PART D - FEDERAL, STATE, & CITY PARTICIPATION

Additional work required for the addition of two lanes to the replaced Structure S15 of 33045 which carries Dunckel Road over Highway I-496/US-127, and reconstruction and widening work on Dunckel Road from Structure S15 westerly to the entrance and exit ramps connecting southbound Highway I-496/US-127 and Dunckel Road; together with necessary work, located within the corporate limits of the City

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND REFERRED TO THE PUBLIC SERVICE DEPARTMENT AND REFERRED TO THE CITY ATTORNEY

b. Letters from the State of Michigan Department of Treasury providing notice and submitting copies of Obsolete Property Rehabilitation Exemption Certificates issued to:

- i. 3323 N. East Street LLC for property located at 3323 N. East St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Fivgen, LLC for property located at 2727 Lyons Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. CT Properties LLC for property located at 2101 W. Willow St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Anna Belle & Associates, Inc. for property located at 600 S. Capitol Ave. (Revised certificate)

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

c. Letter from Timothy Adams, Treasurer of Lansing Sesquicentennial Foundation, submitting its monthly report of expenditures for December 2008

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- d. Application for Community Funding filed by Pennsylvania Avenue Original Church of God for their Walk for Christ Christian Festival to be held September 12, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Addendum to Claim for automobile damage dated January 5, 2009 submitted by Darnell E. Oldham, Sr. of 3815 Berwick Dr.

REFERRED TO THE CITY ATTORNEY

- f. Claims appeal submitted by Claude Vaughn, no address given

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND
REFERRED TO THE CITY ATTORNEY

MOTION OF EXCUSED ABSENCE

By Councilmember Robinson

To excuse Councilmember Wood from this afternoon's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Dunbar addressed comments made by speakers this afternoon regarding citizens feeling comfortable speaking at City Council meetings.

Councilmember Allen stated that comments received by citizens are typically in agreement with the person being spoken to, and not necessarily reflective of the city as a whole.

Council President Quinney asked Jerry Ambrose, Executive Assistant to Mayor Bernero, for an update regarding the installation of traffic signals at Michigan Ave. and Grand Ave.

Jerry Ambrose stated that the parts have been ordered and should arrive in the next month or so.

ADJOURNED TIME 2:31 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JANUARY 26, 2009**



ON LEGISLATIVE MATTERS

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 5:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Jeffries, Quinney, Robinson, Wood

ABSENT: Councilmembers Hewitt (Arrived at 5:15 p.m.) and Kaltenbach (Arrived at 5:05 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of January 22, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Allen announced the Alzheimer 2009: Has Anything Changed? event.

Councilmember Wood announced the Ruth Hallman's 2nd Annual Birthday with Chili and Soup event.

City Attorney Smith gave extensive information related to the Board of Water and Light's filing of its proposed rate increase notice in the City Clerk's Office.

Councilmember Kaltenbach arrived at the meeting at 5:05 p.m.

Council President Quinney wished his sister Shauna Embry a happy birthday.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

PUBLIC COMMENT

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

There were no speakers for Legislative Matters.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

William Hubbell of 3916 Wedgewood Dr. spoke about the State of the City address.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. spoke about various city matters.

Councilmember Hewitt arrived at the meeting at 5:15 p.m.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #008

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Building Safety Building Inspector has declared a certain commercial structure at 612 N. Larch St., Parcel # 33-01-01-16-227-161 and Legal Description: Com 374.17 Ft S & 25 Ft W of NE Cor Lot 1 Th S'y Par L to E Line Sec 16 250.19 Ft to S'y line Lot 4, W'y along S'y Line Said Lot 4 170.15 Ft, N'y Par L with E Line Sec 16 437.83 Ft, SE'y on 373.06 Ft Rad Curve Conv to NE With Long Chord of 253.45 Ft to Beg; Block 248 Orig Plat to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, the Building Inspector issued code violation letters on January 22, 2007, March 30, 2007, January 23, 2008, and July 2, 2008 and requested the property owner properly secure the property and bring it up to code; and

WHEREAS, on December 4, 2008, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Building Safety Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the

property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, **February 9, 2009 at 7:00 p.m.** in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at **612 N. Larch St.** to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Councilmember Allen

Motion Carried

RESOLUTION #009

BY COUNCILMEMBER DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Olive Eninwanne Chiazor Ikeh was born October 5, 1977 to Dr. Michael and Princess Ukonu Ikeh, in Ann Arbor, Michigan where she and her brothers, Vincent and Richard, were raised; and

WHEREAS, her father earned his PhD from University of Michigan in Aero Space Engineering and her mother graduated from Eastern Michigan University. In 2000, Olive's parents relocated to Nigeria; and

WHEREAS, Olive graduated in 1995 from Canton High School in Canton, Michigan, where she was on the Canton Swim Team and won numerous awards, as well as, participated in the Girl Scouts; and

WHEREAS, in 1999, Olive received her Bachelor's Degree in Political Science from the University of Michigan where she participated in the African Students Association, and was part of the University's Track and Field Team who were Big Ten Champions from 1996-1999; and

WHEREAS, after graduation, Olive traveled between Lansing, California, and Oregon working various jobs as an Instructor for the Orange County Department of Education in Costa Mesa, California, and the Little Flower Development Center in Portland, Oregon, and at the YMCA and Gold's Gym in Lansing; and

WHEREAS, while attending the Thomas M. Cooley Law School, Olive earned three spots on the Dean's List, the Certificate of Merit for the highest grade in class, was President of the African Legal Scholars Association in 2006, won Moot Court 1st Year Competition, was a member of the International Law Society, and an American Bar Association (ABA) mentor. She graduated with a Juris Doctorate of Law in January 2008; and

WHEREAS, in the spring and summer of 2006, Olive participated in Foreign Study Programs at both the University of Toronto, St. Michael's College of Law, in Canada and the Western Capetown School of Law in South Africa; and

WHEREAS, Olive served as an American Red Cross Volunteer for Motherless Babies in Nnewii, Anambra State Nigeria from 2006-2008, and as President of the African Legal Scholars Association in 2006, educating the Lansing community about issues concerning Africa, and fundraising efforts for "Help Sierra Leone" and the Liberian Book Drive, and participated in a literacy program with Union Missionary Baptist Church; and

WHEREAS, as a Legal Intern, she worked for the Daystarr International Recovery House and the Freedom House International in Detroit, Michigan, providing legal aid to immigrants, refugees seeking political asylum, and low income individuals, the Cape Immigration Compass in Capetown, South Africa, and for the Constituency for Africa in Washington, D.C.; and

WHEREAS, Olive was a community organizer for Senator Barack Obama's 2008 Presidential campaign and had the distinct honor of introducing President-Elect Barack Obama, on August 4, 2008, in Lansing; and

WHEREAS, Olive loved to travel and to make friends with people all over the world, her strength and kindness inspired those who knew her, encouraging awareness, unity, and a sense of responsibility to our neighbors both locally and globally; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, wishes to recognize Olive E. Ikeh, J.D. for her many accomplishments, as well as, her dedication to community issues and extend its deepest condolences to her family during this most difficult time. Her family, friends, and those she helped along the way will dearly miss her.

By Councilmember Quinney

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

- a. Letters from the Mayor re:
 - i. Sole Source Purchase; Public Service Department/Wastewater Division request for Waterworks Systems & Equipment, Inc. as the vendor for Brooks Partners Bulbs and Ballasts

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. ACT-19-08; Waverly Golf Course, Easement for roadway drainage and traffic signalization

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Transfer of Funds; State/Federal Programs, MDNR Community Forestry Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

Communications and Petitions, and Other City Related Matters:

- a. Letter from the United States Department of Treasury, Internal Revenue Service regarding the Tax Increase Prevention and Reconciliation Act of 2005

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE FINANCE DEPARTMENT AND REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- b. Letter from the State of Michigan Department of Environmental Quality providing notice of the issuance of Permit No. 08-33-0053-P to Community Circle Players to allow for the construction of a 6-foot by 6-foot boardwalk connecting to the Lansing Riverwalk Boardwalk, to be used as a Fire Egress for the Riverwalk Theatre located in the City of Lansing, within the 100-year floodplain/floodway of the Grand River.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Michael Kildee, President of Michigan Fatherhood Coalition located at 1214 Bement St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- d. Community Funding Reporting Statement submitted by Edmore Park Neighborhood Association for their participation in the Old Town Dickens Village event held December 6-7, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND RECEIVED AND PLACED ON FILE

- e. Community Funding Reporting Statement submitted by Walnut Neighborhood Organization for their participation in the Old Town Dickens Village event held December 6-7, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND RECEIVED AND PLACED ON FILE

- f. Affidavit of Disclosure submitted by Barbara Hicks of the Principal Shopping District

REFERRED TO THE BOARD OF ETHICS

REMARKS BY COUNCILMEMBERS

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

COUNCIL PRESIDENT QUINNEY RECESSED THE MEETING AT 5:27 P.M. TO BE RECONVENED AT 7:00 P.M. TO RECEIVE MAYOR BERNERO'S 2009 STATE OF THE CITY ADDRESS

PRESIDENT QUINNEY RECONVENED THE CITY COUNCIL MEETING AT 7:00 P.M. AND INTRODUCED MAYOR BERNERO WHO PRESENTED THE FOLLOWING STATE OF THE CITY ADDRESS:



Mayor Virg Bernero
2009 State of the City Address

"Lansing Leading the Way"

Information Technology Empowerment Center
Spartan Internet Consulting
January 26, 2009

Thank you President Quinney.

I look forward to working with you and the entire Council to face the challenges and opportunities that will confront us this year. I'm confident that by working diligently -- and by working together -- we can get positive results for the people of Lansing.

Good evening ladies and gentlemen. Thank you for joining me tonight at the Holmes Street School. For more than 80 years this building served the educational needs of Lansing children as a neighborhood elementary school.

Now, thanks to Spartan Internet, one of our City's leading technology companies, this proud old building is getting a new lease on life. And, it is poised to play an exciting new role in preparing our children for the future.

More about that later. For now, I want to thank Spartan CEO Ryan Vartoogian for allowing us the privilege of being here tonight.

I want to acknowledge and thank the love of my life, Lansing's First Lady, Teri Bernero. Teri and I are blessed to have with us tonight our lovely daughters, Kelly and Virginia.

Tonight I am pleased to report that even in these times of economic uncertainty, we continue to make significant progress in positioning Lansing and the region for a more prosperous future. The state of our City is good -- and I am optimistic about our future.

Lansing is better prepared than most Michigan cities to emerge from this storm poised for economic growth and opportunity. Over the last three years, with the help of an extraordinary team of dedicated public servants, we have laid a foundation that will pay dividends for Lansing residents for decades to come.

I want to acknowledge and thank the members of my Cabinet and staff and all of our hard-working city employees for everything they do, day in and day out, to move Lansing forward.

Will all of you please rise and be recognized.

Our economic development team deserves special recognition for the amazing accomplishments they have engineered since the start of my Administration. Under the leadership of Bob Trezise, we have leveraged more than \$650 million in new private investments that will create nearly 4,000 new jobs in Lansing.

Bob, will you and your team please take a bow for this incredible achievement.

My friends, with this kind of talent at work, it is no surprise that Lansing is leading the way to a more prosperous future.

In the year ahead, thousands of men and women in the skilled trades will be on the job, right here in Lansing. Brick masons and plumbers, electricians and steel workers: All will be working to transform our historic Ottawa Street Power Station into the new national headquarters of the Accident Fund Insurance Company of America.

They will build the new Capitol Club Tower on Grand Avenue.

And they will create a new entertainment and commerce district along our downtown riverfront, anchored by the \$25 million Market Place project. This transformational project will include a new home for the historic Lansing City Market.

But new development has not been limited to our downtown. Thanks to our economic team, new projects -- and new jobs -- are springing up in every corner of our City.

Once a magnet for crime and drugs, the old Regent Inn on South Cedar will become a NuUnion credit union.

An abandoned building on South Penn just got an extreme makeover and is now the new home of CareerQuest, a leading employment services agency.

And the old Cedar Street School in Old Town will soon be the Old Town Medical Arts Center, with destination retail and a public fitness center.

There is even more good news. Just down the road, our great partners at Michigan State recently scored two major victories for our regional economy.

The \$500 million Facility for Rare Isotope Beams -- or FRIB -- will launch MSU and the Lansing region to the forefront of the most advanced technologies in the world. FRIB will bring more than a billion dollars in spinoff economic activity and hundreds if not thousands of new, high tech jobs.

Joining us tonight are MSU Vice President Steve Webster and Dr. Bradley Sherrill, University Distinguished Professor and Chief Scientist of FRIB. We also have with us some of the MSU students who helped "Bring FRIB to our Crib."

Will all of you please rise to be recognized for this truly spectacular achievement.

The region also will benefit immensely from an exciting new partnership between MSU and IBM that promises to bring as many as 1,500 more new jobs to our community. Some of our regional partners who helped make this happen are with us tonight:

East Lansing Mayor Vic Loomis, LEAP CEO Denyse Ferguson, Lansing Chamber CEO Tim Daman and Vice President Webster, will you please stand and be recognized.

There are few regions in Michigan or even the Midwest who can lay claim to so much new development and so many new jobs in these difficult times. With great partners like these, Lansing is indeed leading the way.

Even as we celebrate these successes, we are cognizant of the historic challenges ahead. Let me assure you: whatever the future brings, we will face our challenges together and head on.

Recently I convened the brightest minds in the Lansing region to assess where we stand today and to develop a roadmap for continued

economic success in these tough times.

Task Force Tomorrow brings together our leading economic, academic and regional government leaders, including the Lansing Chamber, LEAP, Prima Civitas, MSU and LCC. Together, we are charting a course for the future that leverages all of our regional assets and capabilities.

I want to recognize and thank our regional government partners who have joined me in this vital effort and who understand that we are stronger when we stand and work together. My fellow mayor from East Lansing, Vic Loomis, the new supervisor of Delta Township, Ken Fletcher, Lansing Township Supervisor John Daher, and so many others.

I am grateful for your leadership and I look forward to building a stronger region together.

We stand on the shoulders of people like former Delta Supervisor Joe Drolett, former Mayor David Hollister and our brothers and sisters of the United Auto Workers. Because of their leadership, we are indeed fortunate to be the home of two state-of-the-art General Motors assembly plants.

Yet the challenges faced by our hometown car company have never been greater. Just as GM was turning the corner to a leaner, greener future, they were hit hard by the global financial meltdown.

Late last year, when Congress was considering bridge loans for the Big Three, I invited mayors from across the state and nation to form the Mayors and Municipalities Automotive Coalition.

Working together with mayors from Michigan, Texas, Louisiana, Ohio and more, we took our case to the nation's capital. There, we fought for our future, our cities and the millions of American families whose livelihood depends on our domestic auto industry.

I refuse to stand on the sidelines while our car companies and autoworkers are blamed for the sins of Wall Street. We brought the national spotlight right here to Main Street to prove that the most productive autoworkers in the world are building the best cars in the world, right here in Lansing, Michigan.

The real challenge faced by our car companies is not about labor costs, or building the wrong cars. The fact is that we are competing on a global playing field that heavily favors our competitors through subsidies, currency manipulation and lax environmental standards abroad.

I urgently call upon President Obama and the Congress to address the unfair trade practices that have exported our standard of living and undermined our national security. It is an unsustainable race to the bottom and we cannot allow it to go on.

At the Olympics recently held in China, we watched with pride as the Americans brought home the gold again and again. I tell you, when the playing field is level, Americans can compete with anyone, anywhere in the world.

I'm proud to have with me tonight Mike Green, president of UAW Local 652 and Brian Fredline, president of UAW Local 602. They are joined by Randy Thayer, general manager of Lansing Grand River and Lansing Delta, our world-class GM assembly plants.

For you, and for all of our brothers and sisters at GM and the UAW--current employees and retirees alike -- I want to say thank you: We are with you 100 percent.

Speaking of retirees, I also have my favorite GM retiree with me tonight: Will you please join me in welcoming my Dad, Giulio Bernero.

For my Dad, who worked hard every day to provide us with a modest standard of living, and for thousands of others like him across Lansing and across this country: I will never wave the white flag of surrender. Together, we will make sure that the next generation of cleaner, greener automobiles are built right here in Lansing and exported to the world.

As we work together to build a stronger economic future for the Lansing region, we must also focus on sustainable development that respects and protects our environment.

Our own Board of Water and Light was just recognized by the U.S. EPA as one of the top seven utilities in the entire nation for environmental innovation. This past year, BWL fired up the largest solar array in Michigan and partnered with The Granger Company to turn landfill gas into clean energy that will power thousands of Lansing homes.

But we're not resting on these accomplishments.

Tonight I am pleased to announce the Greater Lansing Green Jobs Alliance, a new partnership that brings together business and labor, education leaders and environmentalists. Working together, we will capitalize on our new President's commitment to creating millions of green collar jobs and make sure that thousands of these jobs are created right here in Lansing.

The Alliance will focus on retraining today's blue collar workers for the green jobs of tomorrow; adopting green building practices that are more energy efficient and environmentally friendly; and attracting green technology companies to the Lansing region in areas like wind, solar, biomass, geothermal and hybrid vehicles.

Please join me in welcoming the co-chairs of the Green Jobs Alliance:

Gavin Gardi is the Sustainable Programs Manager at The Christman Company. He played a key role in creating the first double platinum LEED certified building in the world. The Christman Building, one of the true gems of our downtown, is a masterful combination of historic preservation and state-of-the-art environmental efficiency.

Tim Haggart is the president of Plumbers and Pipefitters Local 333. As a key leader in the building trades, Tim will help us lead the way in adopting green building practices across Lansing's construction industry.

And from Lansing Community College, Deborah Cole, Interim Dean for Technical Careers. Dean Cole oversees LCC's nation-leading Alternative Energy Technology program. She and her colleagues at LCC will help us teach the green workers of today and tomorrow the tools and techniques of the new green economy.

I want to express my appreciation to all three of these community leaders for their willingness to serve. When it comes to environmentally sustainable development and green job creation, Lansing, Michigan will lead the way.

As we work to diversify our jobs base into alternative energy and the emerging sectors of the knowledge-based economy, we must ensure that we are creating the workforce of the future right now.

And that leads me to tell you about the amazing things that are about to happen at this old schoolhouse.

Last year we announced an extraordinary public-private partnership that aims to prepare our young people to succeed in the new global economy. With a spark of inspiration from Adam Pitcher of the Holmes Street Neighborhood Association, the ingenuity of Michigan State University, and the community spirit of Spartan Internet, the new Information Technology Empowerment Center -- ITEC -- was born.

In the months ahead, within these very walls, youngsters will be engaged in a multitude of computer-based activities that will put them on track to become the nuclear scientists at FRIB and the network

engineers at IBM.

ITEC will become a national model for leveraging all of this community's assets to secure our children's future as the knowledge workers of tomorrow.

But getting our kids on the right track and keeping them there is a job for all of us. All of us have a direct stake in the success of the next generation, and we are each called upon to do our part.

Would our great former Mayor, David Hollister, Lansing School Board President Hugh Clarke, Jr., School Superintendent Dr. T.C. Wallace, Jr. and LCC President Dr. Brent Knight please come forward. I'd like you to join me for two very exciting announcements in this regard.

First, in the year ahead the City and the school district will work together to create a new mentoring program that will help keep kids on track to finish high school and go on to college. Our goal is to provide a mentor for up to 400 at-risk Lansing students in the next year.

Mayor Hollister has graciously agreed to chair this vital effort, and our Capital Region Big Brothers, Big Sisters will help us get it rolling. I want to say a special thanks to Big Brothers, Big Sisters CEO Ed Hagan, Jr. for agreeing to partner with us on this project.

If you can help mentor a child, please call 372-0160. That's 372-0160. There's a youngster waiting for your help.

Second, to make college education affordable, President Clarke, Dr. Wallace and Dr. Knight will work with me to become one of the first ten Promise Zone communities in Michigan. As a Promise Zone, we will lead the way by building on our successful HOPE Scholars program, pioneered by Mayor Hollister and our Police Chief Mark Alley.

Our goal: two years of tuition-free college for every child in Lansing who completes their high school education.

Thank you, Chief Alley, for all you have done to make our HOPE Scholars program such a success. And thanks to everyone who has supported HOPE with your generous donations.

Let's keep it up -- and step it up -- in the year ahead.

Thanks also to Governor Granholm and our state legislators, especially Senator Gretchen Whitmer and Representative Joan Bauer, for helping us take this incredible leap forward for our kids. This is a remarkable opportunity that we will pursue relentlessly in our quest to make Lansing, Michigan the best city in this state to live, work and raise a family.

Great cities also have great neighborhoods, and we are working harder than ever to make Lansing neighborhoods better than ever. Starting this year we will invest more than \$6 million in federal Neighborhood Stabilization funds to revitalize Lansing neighborhoods that have been hardest hit by the national foreclosure crisis.

In this effort, we will continue to build on our strong partnership with the Ingham County Land Bank and the Greater Lansing Housing Coalition. Together, we will upgrade our housing stock, creating more affordable, quality homes in neighborhoods across the City.

Great neighborhoods are safe neighborhoods, and I am pleased to report that our five new Community Police Officers and our new neighborhood security cameras are paying dividends. Violent crime is down across the City, and sixteen new Neighborhood Watch groups have started in the last year.

When it comes to looking out for your neighbors, Lansing folks are second-to-none.

I am deeply heartened by the capacity of our community to help our brothers and sisters in need. Over the past year, our Human Services Department and the Mid-Michigan Food Bank have delivered nearly 100 tons of food to thousands of Lansing families.

Dr. Joan Jackson Johnson -- we call her Triple J -- will you please stand and take a bow for this wonderful work and for all you do to help the less fortunate in our community.

My Office of Community and Faith-based Initiatives, led by Bishop David Maxwell, recently helped organize the largest one-day food drop in the history of Lansing. More than 2,000 individuals and families received nutritious food in an effort that raised more than \$100,000.

Thanks to all of the pastors, church leaders and believers from across the region who showed what can happen when we put our love in action.

I want to thank especially Pastor Phil Posthuma of Trinity Church, Pastor Larry Trice of Tabernacle of David and Pastor Walter Gibson of Pilgrim Rest for their exemplary work in bringing this effort together. Pastor Gibson is unable to join us tonight, but I would like to ask Pastors Posthuma and Trice to please rise and be recognized.

With the help of our great partners in the faith community, Lansing is indeed leading the way.

But we are not stopping there.

Our efforts to combat the tragedy of foreclosure have helped countless families keep their homes. And our investment of more than \$1.6 million last year helped hundreds of homeless individuals and families find a warm place to sleep and a nourishing hot meal.

In these tough times, your Lansing City Hall has not been standing still, waiting for the storm to pass. We have put our shoulders to the wheel and we are steering a steady course toward a brighter future for all of our residents.

Now more than ever, we must hold true to the basic principles of fiscal responsibility that we have followed for the past three years. As your mayor, I have proposed three consecutive balanced budgets with no tax increases and no use of our reserves.

We must stay on this track, because the decisions are not going to get any easier.

With the rising cost of basic necessities, our citizens simply cannot afford higher taxes.

I am adamant about not asking you for more money in these tough times, even though our costs continue to rise.

Instead, we will continue to reinvent how we provide quality city services, getting more bang for every buck. And we will continue to pursue regional partnerships that eliminate wasteful duplication and deliver basic services at a lower cost to our taxpayers.

As difficult and daunting as the challenges are, things could be much worse. Had my Administration not led the way by tightening our belts and preserving our rainy day fund, we could be in the same boat as many other cities around the state and country: Near bankruptcy, forced to slash vital services like police and fire protection, or raising taxes on residents already burdened by a tough economy.

To avoid such dire straits, my Administration has reduced the size of our city workforce by 20 percent. Yet we have managed to keep every police officer and every firefighter on the job, keeping our city and our citizens safe.

City Hall is full of good people who are working harder, faster and smarter than ever before. We have reduced our workforce, but we have not reduced the workload on our employees. When folks retire, they are usually not replaced and our remaining employees are working harder than ever to get the job done.

We know that Lansing families are making do with less, and so, too, are we at City Hall. When it comes to leading by example, your city government is leading the way.

My friends, throughout our rich history, Lansing, Michigan has been a city that leads the way: From our birth in the 1840s as Michigan's state capital, to our rise as a global automotive and industrial powerhouse; to our place today as a worldwide leader in education, bioscience, insurance and a growing IT sector -- all while remaining true to our industrial heritage.

Lansing, like our nation, has been home to innovators and entrepreneurs for generations.

As our new President Barack Obama said in his inaugural address last week: "It has been the risk takers, the doers, the makers of things... who have carried us up the long, rugged path towards prosperity and freedom."

Like America's founders, our city's founders refused to accept the status quo. They refused to say that good is good enough. It is this bold and fearless commitment to change and innovation that will continue to serve us best in this period of economic transition.

As we celebrate Lansing's 150th birthday this year, it is time to take stock and build on our strengths. We must do so with the same spirit, the same sturdy resolve as the pioneers who more than a century and a half ago built Michigan's Capital City along the banks of our Grand River.

From the solid foundation of economic growth and job creation we have forged in the past three years, we will build a City that leads the way in advanced technology and alternative energy.

We will lead the way in building better neighborhoods and making sure that every child can succeed in school and in the global economy.

And we will celebrate and respect this community's great diversity, which reminds us all that no matter what the color of our skin, the God of our prayers or the choice of our life partner, we truly are one people.

My fellow citizens, we are stronger together. We sink or swim together, as a neighborhood, as a community and as a region.

And together, with God's blessing, Lansing will continue to lead the way.

Thank you and good night.

ADJOURNED TIME 7:35 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF FEBRUARY 2, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmembers Allen and Dunbar (Arrived at 7:04 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of January 26, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion Failed

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Wood announced the next monthly Genesee Neighborhood Organization meeting.

Councilmember Dunbar arrived at the meeting at 7:04 p.m.

By Councilmember Wood

To reconsider the vote by which the motion to suspend City Council Rule #11 to allow for Consideration of Late Items failed

Motion Failed

Councilmember Jeffries congratulated Councilmember Wood on her election to the Tri-County Regional Planning Commission. He spoke about suggestions to President Obama's proposed stimulus package.

Councilmember Dunbar announced the Clifford Park neighborhood

meeting, as well as the inaugural meeting for a yet-to-be named neighborhood organization for the area south of Miller Rd. between Washington Ave. & Cedar St.

Councilmember Hewitt announced the next Eastside Neighborhood Organization meeting and the next 1st Contact meeting for residents of the 1st Ward. He also announced a town hall meeting for residents of OldTown.

Councilmember Robinson announced the Estates in the Clubhouse and Arbors at Georgetown neighborhood meetings.

Councilmember Dunbar spoke about the Healthy Homes program and Ingham County Road Commissions recycling event for old television sets.

Councilmember Robinson announced the Delta Sigma Theta Sweetheart Dance.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the Hats off to Lansing 150 event beginning the celebration of Lansing's Sesquicentennial. He spoke about renovations to the Ranney Building and a list of shovel ready projects submitted to Governor Granholm to be a part of President Obama's proposed economic stimulus package.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

There were no Public Hearings.

There were no speakers for Legislative Matters

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about city sidewalks.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Russell Terry of 121 E. Mt. Hope Ave. spoke about snow removal.

Ronald Kruger of 3333 Moores River Dr. spoke about the proposed economic stimulus package.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Ammahad-Shekarakki of 902 Willow St. spoke about Blacks in America.

Willie Hobbs of 5017 S. Conners Ave. spoke about various city matters.

Frank S. Curtis X. of 1137. W. Allegan St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Christopher Davis of 122 Huron St. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-010

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Pastor G.L. Porter was born, the oldest of 13 children, on November 15, 1914 in Bogue Chitto, Mississippi to the late Isom and Mary Jane Porter; and

WHEREAS, Pastor Porter moved to Lansing, Michigan in 1955 where he united with the Galilee Baptist Church and was ordained as a Deacon and later ordained as a Minister; and

WHEREAS, Pastor Porter was the Pastor at True Light Baptist Church for two years after which he founded and was Pastor of the New Faith Baptist Church, serving faithfully for 34 years until his health failed; and

WHEREAS, Pastor Porter earned his G.E.D. at the age of 91, driving himself to class everyday, a valued accomplishment to him; and

WHEREAS, when asked what his initials, G.L. stood for, he would answer, "ask my wife to give you the meaning" and her response would be, "G.L. means Greater Love" because that is what he exhibited to everyone; and

WHEREAS, he had a saying that he often used when ministering to his congregation, "Baby, your own wrong will cause you to suffer"; and

WHEREAS, Pastor Porter was preceded in death by his parents, Isom and Mary Jane; siblings, D.L., Jimmy, James, Henry, Enoch, Icephine, Josephine, Ethel Mae, and Ivory; and granddaughter, Rubenitta; and

WHEREAS, although Pastor Porter joined the Lord on January 19, 2009, his memory will be forever cherished by his wife, Mary; daughters, Debbie, Sandra, Tacontria, and Sharkave; brothers, Willie, M.S., Odell; Sister-in-law, Susie; grandchildren, Shawndell, DeOnte, Myesha, LaKeysha, and Merria; eight great grandchildren; a special great-grandchild, Shaq; two special children, Mecca and Lashiral; and a host of nieces, nephews, relatives, and friends; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, wishes to extend its deepest condolences to the family and friends of Pastor G.L. Porter. His memory will live on in our hearts forever.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-011

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, February 23 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use, SLU-6-2008, 2312/2314 E. Michigan, Church in an "F-1" Commercial District.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-012

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF AN OBSOLETE PROPERTY
REHABILITATION DISTRICT

Cool City Developers – 1522 North Turner/310 E. North Street

WHEREAS, the owner of property located at 1522 North Turner/310 E. North Street in the City of Lansing, Michigan (the Property) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the District) as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (the Act), and

WHEREAS, the owner of the Property, Cool City Developers, LLC, is presently the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as: PART OF LOTS 4, 5, 6 & 7 COM NW COR LOT 5, TH S 82 FT, E 66 FT, S 80 FT, W 66 FT, S 118.5 FT, E 124 FT, N 261.72 FT, NWLY 115 FT +/- TO BEG; BLOCK 8 ORIG PLAT; and,

WHEREAS, the Act requires that before establishing a District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District.

NOW THEREFORE BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 16th Day of February, 2009 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation District under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-013

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF AN OBSOLETE PROPERTY
REHABILITATION EXEMPTION CERTIFICATE

Cool City Developers – 1522 North Turner/310 E. North Street

WHEREAS, Cool City Developers, LLC, owner of the property located at 1522 North Turner/310 E. North Street in the City of

Lansing, Michigan (the Property) has applied to the City of Lansing for the City to approve the issuance of an Obsolete Property Rehabilitation Exemption Certificate (the "OPT Certificate"), pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (the Act); and

WHEREAS, the property that is the subject of the Certificate application is legally described as: PART OF LOTS 4, 5, 6 & 7 COM NW COR LOT 5, TH S 82 FT, E 66 FT, S 80 FT, W 66 FT, S 118.5 FT, E 124 FT, N 261.72 FT, NWLY 115 FT +/- TO BEG; BLOCK 8 ORIG PLAT and

WHEREAS, an Obsolete Property Rehabilitation District is expected to be established by the Lansing City Council on February 23, 2009 in accordance with the act and prior to the consideration of a resolution to approve the OPT Certificate; and

WHEREAS, the Act requires that before granting a n OPT Certificate, the Lansing City Council hold a public hearing in order to provide an opportunity for the applicant, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public to appear and be heard regarding the approval of the OPT Certificate;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 16th day of February, 2009 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation Certificate under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-014

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the Supreme Court Administrative Office Renewal Grant #2009-062 and funding from the US Department of Justice awarded to the Ingham County Prosecutor's Office and that the following FY 2009 transfers be approved:

State/Federal Programs
Supreme Court Administrative Office Sobriety Court Grant

\$11,000.00 from State Revenue	273.0.547000.17208
\$ 2,000.00 from Participant Fees	273.0.648001.17208

\$11,000.00 to Temporary Help	273.132201.707000.17208
\$ 2,000.00 to Contractual Services	273.132201.743000.17208

(To provide for additional treatment services in the Sobriety Court renewal grant project for October 1, 2008 to September 30, 2009. The District Court conducts the program as a rehabilitative substitute for third offense drunk driving offenders facing likely jail time.)

State/Federal Programs
Ingham County DART SubGrant

\$110,680.00 from County Revenue	273.0.527000.17781
\$102,815.00 to Temp Help – DART	273.132201.707760.17781
\$ 7,865.00 to Fringe Benefits – DART	273.132201.715000.17781

(To provide District Court probation officer resources to the Domestic

Assault Response Team [DART] project operating under federal grant from the USDOJ Office on Violence Against Women. The District Court involvement continues with supplemental 2nd year funding to June 30, 2009.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-015

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the State Grant from the Michigan Public Service Commission by Greater Lansing Go Green! Initiative and that the following FY 2009 transfers be approved:

Mayor's Office
Greater Lansing Go Green! Initiative

\$50,000.00 from State Revenue	273.0.547000.16066
\$50,000.00 to Michigan Energy Efficiency	273.172300.741000.16066

(To provide for selected business energy assessments and incentive installation of energy saving devices in the Greater Lansing area for the period of July 1, 2008 to July 31, 2010. Project funds are provided to the partnering City and Greater Lansing Convention and Visitors Bureau by the Michigan Public Service Commission, with \$5,440 miscellaneous in-kind expenses provided by the partnership.)

By Councilmember Wood

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON WAYS AND MEANS

Transfer of Funds; State/Federal Programs, PA32 Training

By Councilmember Wood

To recommit this item

Motion Carried

RESOLUTION #2009-016

BY THE COMMITTEE ON WAYS AND MEANS
APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act 12-08 FEMA Grant - Approval to Accept FEMA Pre-Disaster Mitigation Competitive Grant

WHEREAS, the City of Lansing has applied through the State of Michigan, Michigan State Police, Emergency Management and Homeland Security Division for a Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Competitive Grant; and

WHEREAS, the Lansing City Council reviewed the grant and authorized its submission to FEMA; and

WHEREAS, FEMA has awarded \$1,363,848 in grant funds to be used over a three-year period for the City of Lansing to reduce the risk of harm to life and property in flood-prone areas of the City; and

WHEREAS, the required match of \$454,616 will be met through a \$103,200 donation of property from the Ingham County Land Bank, and through the Development Office using \$351,416 in Community Development Block Grant (CDBG) funds already allocated or planned to be allocated for property acquisition, or acquisition funds from its Neighborhood Stabilization Program (NSP) grant budget; and

WHEREAS, the FEMA Pre-Disaster Mitigation grant will provide funds for voluntary acquisition of 37 owner-occupied or vacant properties; and

WHEREAS, existing structures will be razed using these grant funds and the resultant vacant parcels may be used for community gardens, urban farming, natural areas, recreation or other purposes as permitted by FEMA; and

WHEREAS, the acquisition of these properties and demolition of existing structures is expected to:

- reduce the risk of harm to life and property for those owners who choose to move to flood-safe areas,
- reduce the rates for flood insurance for all flood insurance rate payers in the City, and
- reduce the need for emergency services in a serious flood event; and

WHEREAS, the reduction of risk in flood-prone areas is a priority under the City's Consolidated Strategy and Plan for the use of CDBG and NSP funds; and

WHEREAS, at its October 22, 2008 meeting, the Planning Board reviewed the FEMA grant in accordance with Act 285 procedures and voted unanimously (7-0) to recommend approval of the grant and proposed acquisition of properties; and

WHEREAS, the FEMA grant includes acquisition of the following 29 properties with structures and 8 vacant parcels either by donation from the Ingham County Land Bank or by purchase with grant funds:

Parcel Number	Legal Description
Parcels with Structures	
33-01-01-22-301-051	Lot 47 Clarks Sub
33-01-01-22-301-061	Lot 46 Clarks Sub
33-01-01-22-301-101	Lot 42 Clarks Sub
33-01-01-22-301-111	Lots 40 & 41 Clarks Sub
33-01-01-22-301-121	Lots 38 & 39 Clarks Sub
33-01-01-22-301-141	Com 25 Ft E of NW Cor Lot 36, Th W. 25 Ft, S 107 Ft to SW Cor Said Lot, E 26.85 Ft, N to Beg; Clarks Sub
33-01-01-22-304-171	Lot 12 Clarks Sub
33-01-01-22-304-131	Lot 8 Clarks Sub
33-01-01-22-304-121	Lot 7 Clarks Sub
33-01-01-22-304-101	Lot 5 & W 12 Ft Lot 4 Clarks Sub
33-01-01-22-304-091	Lots 1, 2, 3 & E 21 Ft Lot 4 Clarks Sub
33-01-01-14-378-092	Lots 174 & 175, Also E 5 Ft of Vacated Alley Snyders Sub
33-01-01-23-127-003	Lots 60, 61 & Part Vac Harton St Comm NW Cor Lot 61, Th N 33 Ft, E 132 Ft, S 33 Ft, W to Beg; Browns Sub of a Part of Outlots A and B of Snyders Sub
33-01-01-23-127-021	Lot 59 Browns Sub of a Part of Outlots A & B of Snyders Add
33-01-01-23-126-171	Lot 57 Browns Sub of a Part of Outlots A & B of Snyders Add

33-01-01-23-127-031	Lot 58 Browns Sub of a Part of Outlots A & B of Snyders Add
33-01-01-23-127-041	Lots 15 & 16 J L Putmans Sub Rec L 7 P 35
33-01-01-23-104-181	Lot 135 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-105-022	Lots 181 & 182 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-104-112	Lots 127 & 128 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-105-052	Lots 183 & 184 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-104-101	Lot 126 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-105-061	Lot 185 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-104-091	Lot 125 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-103-112	Lots 54 & 55 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-103-091	Lot 53 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-104-031	Lot 98 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-104-051	Lot 101 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-23-103-032	Lots 46 & 47 Also That Part Lot 45 Lying N'ly of a Line Com NW Cor Lot 45, Th SE'ly to PT on E Line Lot 45 22 Ft S of NE Cor said Lot Exc E 10 Ft Lots 45 & 46 Lansing Addition Companys Sub Rec L 5 P 20
Vacant Parcels	
33-01-01-22-304-041	Lot 31 Clarks Sub
33-01-01-14-378-030	Lot 62 & S 22 Ft Lot 63, Also Part Vac Alley Com SE Cor Lot 62, Th N 55 Ft, E 5 Ft, S 55 Ft, W 5 Ft to Beg; Snyder's Sub
33-01-01-14-381-122	Lot 62 & Pt Vac Harton St Com SW Cor Said Lot Th S 33 Ft, E 135 Ft, N 33 Ft, W to Beg; Browns Sub of a Part of Outlots A & B of Snyders Sub
33-01-01-14-359-371	Lot 150 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-14-358-471	Lot 74 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-14-358-461	Lot 73 Lansing Addition Companys Sub Rec L 5 P 20
33-01-01-09-328-141	S ½ of E ½ Lot 1 Block 31 Orig Plat

33-01-01-09-183-031	S 172 Ft of W ½ of E ½ Lot 7 Block 24 Orig Plat
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NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves acceptance of the Pre-Disaster Mitigation grant in the amount of \$1,363,848, and the required match of \$454,616 for completion of the activities funded by the grant; and

BE IT FURTHER RESOLVED, that Mayor Virg Bernero, on behalf of the City of Lansing, is authorized to accept the above described award; that he is hereby authorized to sign the grant agreement, to establish new and separate expenditure accounts for it as necessary, and to take such other action as may be required to implement the grant; and

BE IT FINALLY RESOLVED, that Mayor Bernero is hereby authorized to accept property by donation from the Ingham County Land Bank, to negotiate agreements with property owners to purchase property at then current appraised value and, subject to prior approval by the City Attorney as to form, to sign and execute all documents necessary to acquire the aforementioned properties and to effectuate such transactions in accordance with the FEMA grant, provided that all sales are voluntary and the properties to be acquired are either occupied by the property owner or vacant.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-017

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a negotiated settlement proposal has been offered and received in the matter of *Bronte Construction LLC, et al v City of Lansing*, Ingham County Circuit Court File No. 08-1011-CH, and the proposed settlement has been presented and reviewed with the City Council by the City Attorney and George M. Brookover, attorney for defendant;

NOW, THEREFORE, BE IT RESOLVED that the City Council accepts and approves in principle the proposed settlement of the aforementioned lawsuit as presented.

BE IT FINALLY RESOLVED that the City Attorney is authorized to execute a Judgment or Settlement Agreement that incorporates the settlement as presented and to oversee the fulfillment of its terms and conditions and the completion and delivery of the requisite documents to complete the settlement of the lawsuit.

By Councilmember Robinson

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances for property located at:

Z-8-2008, northwest corner of W. Ottawa St. and N. Sycamore St. from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial District

was introduced by Councilmember Jeffries, read by its title and referred to the Committee on Development and Planning.

RESOLUTION #2009-018

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, February 23, 2009 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-8-2008, northwest corner of W. Ottawa St. and N. Sycamore St. from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial District

By Councilmember Jeffries

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

- a. Letters from the Mayor re:
 - i. State of the City 2009 Status Report

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. 2nd Quarter General Fund Interim Financial Report

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Public Improvement V; 2007 Sidewalk Improvement Repair "B" Contract Roll B-086, PS# 01091, an area bounded by Jolly Rd., Crocus Ave., Bluebell Dr., and S. Washington Ave., and an area bounded by Jolly Rd., Ballard Rd., Ingham St., and Fielding Dr., and an area bounded by Cavanaugh Rd., S. Pennsylvania Ave., Vernon Ave., and Parkway Blvd.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- b. Letter from the City Clerk providing notice of the placement on file of the Board of Water and Light's proposed rate changes with a Public Hearing scheduled for March 18, 2009

RECEIVED AND PLACED ON FILE

Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of the issuance of Permit No. 08-33-0056-P to the City of Lansing to remove existing bridge deck, sidewalks, and railings at the Aurelius Rd. crossing of the Red Cedar River, including replacement of the existing water main, pavement approaches, and curb and gutters

RECEIVED AND PLACED ON FILE

- b. Notice from the State of Michigan Public Service Commission of a public hearing for the gas customers of Consumers Energy Company Case U-15704 to be held on February 10, 2009

RECEIVED AND PLACED ON FILE

- c. Request for Recognition of Non-Profit Status in the City of Lansing Submitted by Christopher Maxie, President of Family Advocate and Support Team, Inc. located at 224 West St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND
REFERRED TO THE CITY ATTORNEY

- d. Michigan Tax Tribunal Motion to Amend Petition to Add Subsequent Years submitted on behalf of C.V.L.M/Tutera, no address given

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND
PLANNING AND REFERRED TO THE CITY ASSESSOR AND
REFERRED TO THE CITY TREASURER

- e. Letter from Joel Ferguson of Ferguson Development regarding a lease at 1223 Turner St.

REFERRED TO THE COMMITTEE OF THE WHOLE

- f. Letter from David Coulson of the Campaign for State Constitutional Compliance regarding the Moores Park Dam

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Robinson

To excuse Councilmember Allen from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Dunbar announced the Greencroft Park neighborhood meeting.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, addressed comments made by a speaker tonight regarding city related billboards. He also stated that citizens concerned about stimulus package money can call the Mayor's office.

ADJOURNED TIME 8:22 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF FEBRUARY 9, 2009**



BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmember Allen

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of February 2, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Wood; Special Ceremony, Tribute; Recognition of the 100th Anniversary of the National Association for the Advancement of Colored People
2. From Councilmember Wood; Tribute; Recognition of the 100th Anniversary of the National Association for the Advancement of Colored People

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Tribute; Recognition of Frank Goodell on his accomplishments and dedication to the City of Lansing

City Clerk Swope read the following Resolution:

RESOLUTION #2009-019

WHEREAS, Frank Goodell was born and raised in the City of Lansing where he met and married his wife, Dortha, raising a family together in the city that he loves; and

WHEREAS, as a boy, Frank was witness to Lansing's Fire Department's bravery as they fought the Hotel Kerns fire in 1934; he distinctly recalls the rallied support as they fought to control that fire; and

WHEREAS, as an ardent supporter of the Lansing Fire Department, Frank joined the members of the Box "23" Club in 1954 where he has faithfully served as a volunteer for 55 continuous years, a feat rarely reached by many people; and

WHEREAS, Frank served tirelessly responding when called and performing whatever tasks were asked of him. Providing water, coffee, doughnuts, dry gloves, and warm socks to the Firefighters, he braved the harshest winter conditions and the extreme heat of summer. The rewards were invaluable to him, often consisting of a handshake, a smile, or a thank you from a grateful fire fighter; and

WHEREAS, through the years, Frank provided his knowledge and leadership, demonstrating a model example of excellent citizenship and exemplifying the honor it was to participate in the Box "23" Club; and

WHEREAS, Frank takes pride in his community and lives to serve it the best way he can. His 55 years of service, and counting, is a testament to his commitment to the City of Lansing, its citizens, and, most importantly, to the brave men and women of the Lansing Fire Department he so strongly supports; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Frank Goodell for his excellent example of the profound impact one person can have upon their community. The difference Frank has made in the lives of others for over 55 years can never be adequately counted. Frank continues to touch many lives and inspires those around him with his warmth, kindness, and sincerity. Lansing is a better community because of him.

By Councilmember Wood

Motion Carried

Councilmember Wood spoke about the many ways that Frank Goodell has given back to the community, including giving water to firefighters. She thanked him for all that he has done for Lansing. She recognized members of his family in attendance.

Frank Goodell stated that he is honored to be a citizen of Lansing and spoke about attending City Council meetings as a youth.

2. Tribute; Recognition of the 100th Anniversary of the National Association for the Advancement of Colored People

City Clerk Swope read the following Resolution:

RESOLUTION #2009-020

BY COUNCILMEMBERS SANDY ALLEN, KATHIE DUNBAR, ERIC HEWITT BRIAN JEFFRIES, TIM KALTENBACH, DERRICK QUINNEY A'LYNNE ROBINSON, AND CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in the summer of 1908, shocking the nation, a mob containing many of the town's "best citizens" in Springfield, Illinois, home of Abraham Lincoln, raged for two days committing atrocities against colored people; and

WHEREAS, in the first week of the year 1909, the National Association for the Advancement of Colored People (NAACP) was born in a little room of a New York apartment by those with the commitment that "the spirit of the abolitionists must be revived". A campaign officially formed on Abraham Lincoln's birthday, February 12, 1909 at a national conference; and

WHEREAS, for 100 years the NAACP has lead the movement on social rights and equality; and

WHEREAS, the National Association for the Advancement of Colored People, visionaries committed to struggle and armed with hope, constituted the vanguard in the movement for full citizenship; and

WHEREAS, the NAACP has worked to advance its mission to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; and

WHEREAS, since its inception, the NAACP has fought discrimination in education, in the voting booth, in the military, in public accommodations, in employment hiring practices and many other areas; and

WHEREAS, the NAACP is dedicated to the objective of securing full enjoyment of citizenship rights, justice in the courts, and equality of opportunity for all; and

WHEREAS, our nation has benefited from the NAACP's unwavering commitment and dedicated members to upholding the principles of the NAACP and achieving the objectives of justice and equality for all; and

WHEREAS, as the NAACP celebrates a milestone anniversary and beginning its second century of activism, the organization must shift its mission from achieving civil rights to attaining human rights for all;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council do, hereby, acknowledge and celebrate the 100th Anniversary of the National Association for Advancement of Colored People and proclaim the Week of February 12, 2009 to be NAACP Week in the City of Lansing.

By Councilmember Wood

Motion Carried

Councilmember Wood stated how much the efforts of the NAACP are appreciated and spoke about the organization furthering civil rights in our community.

Council President Quinney thanked and congratulated the NAACP for their work over the years. He congratulated newly elected President Winston Williams.

Councilmember Robinson thanked Betty Gilmore for reminding her to renew her membership to the NAACP.

Jerry Ambrose, Executive Assistant to Mayor Bernero, congratulated the NAACP on their 100th year anniversary and stated that he can think of no better year for the organization to have this celebration.

Winston Williams thanked the Mayor and City Council and the citizens of Lansing for their undying support.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Robinson announced the Daft Street neighborhood meeting and the next 2nd Saturdays meeting. She reminded citizens of Delta Sigma Theta's Sweetheart Dance event.

Councilmember Hewitt spoke about the recent 1st Contact meeting and the OldTown Town Hall meeting where citizens gave suggestions related to President Obama's proposed stimulus package. He announced the Holmes St. School neighborhood meeting.

Councilmember Robinson announced the Lansing-Eaton neighborhood meeting.

Councilmember Dunbar announced the Blue Bell Park and Beck Park neighborhood meetings. She read the following memorandum and asked that it be printed in the Council Proceedings:

MEMORANDUM

To: Council President Derrick Quinney

From: Councilmember Kathie Dunbar

Subject: Council Rule #16

Date: February 9, 2009

City Council meetings are held to conduct the City's legislative business, and it serves the Council and the public better if our agenda, specifically the Order of Business, is reflective of that purpose. Therefore, I respectfully request that we, the Lansing City Council, **amend Council Rule #16 to move general public comment on non-agenda items to the end of regular Council meetings, after legislative business is concluded.** Public comment on scheduled Show Cause Hearings, Public Hearings, Resolutions, Ordinances for Introduction, and Ordinances for Passage, would still be heard at the beginning of the meeting, prior to official action by the Council.

Moving general public comment to the end of the meeting does not in anyway restrict free speech; it is a valid content-neutral "time, place, and manner" regulation employed by many local legislative bodies. From what I can tell, most municipalities that allow public comment on non-legislative items do so at the end of their meetings, after legislative business has concluded.

Given the financial situation facing our City, it makes sense that the City Council do our part to increase productivity and reduce staff costs. As it stands, we pay or provide comp time for staff to stay late on Monday evenings, at least through the end of Council legislative business. Amending Rule #16 as suggested would allow staff to leave before general public comment begins.

In addition to expediting City Council business, moving general comment to the end of the meeting will allow greater opportunity for public participation. Our current rules require that speakers sign-in prior to the Mayor's comments, and only those who sign in may address the council. To accommodate those who may arrive later in the meeting, I propose that registration forms for general public comment remain available through the legislative portion of the agenda. We can collect those forms during reports from city officers, boards, and commissions, and allow comment immediately after that. We could accommodate those who rely on public transportation by allowing them to speak first.

Finally, for those who argue that offering general comment at the end of the meeting inconveniences those who attend just to announce upcoming events, I remind everyone that events are regularly announced by councilmembers. In fact, we spend most, if not all, of our time during "Councilmember Comments" announcing neighborhood meetings, non-profit fundraisers, trainings, forums, workshops, classes, and other community events. If that is not satisfactory, I suggest we reinstate "Announcement of City Events" (removed in 2006) after Special Ceremonies.

Moving general public comment to the end of our meeting agenda will better serve the Council and the public. I respectfully request that the proposed amendment to Council Rule #16 be referred to the General Services Committee for consideration.

City Clerk Swope stated that May 12, 2009 was the deadline to file as a candidate for the August 4, 2009 Primary Election.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, recognized Frank Goodell for his accomplishments and dedication to the City of Lansing. He also recognized Lansing Community College civic students in attendance tonight. He spoke about President Obama's proposed stimulus package and what it might mean to the City of Lansing.

SHOW CAUSE HEARINGS

Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 612 N. Larch St.

There were no speakers for this Show Cause Hearing.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 612 N. Larch St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Taylor Hatz of 735 N. Sycamore St. spoke about the proposed Ordinance providing for removal of snow and ice on public sidewalks.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the proposed Ordinance providing for removal of snow and ice on public sidewalks.

John Pollard of 1718 Blair St. spoke about the proposed Ordinance providing for removal of snow and ice on public sidewalks.

Kathi Raffone of 1221 Muskegon Ave. spoke about the proposed Ordinance providing for removal of snow and ice on public sidewalks.

Harold King of 1563 N. High St. spoke about the proposed Ordinance providing for removal of snow and ice on public sidewalks.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the proposed Ordinance providing for removal of snow and ice on public sidewalks.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bryan Decker of 543 E. Edgewood Blvd. spoke about public safety.

Heather Beegle of 2401 Kerry St. spoke about Relay for Life Lansing.

Barry Schiffer of 1415 Redwood St. spoke about medical marijuana raids.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Matt Stephens of 420 Renker Rd., Delta Twp., spoke about activities in Lansing.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Ammahad-Shekarakki of 902 Willow St. spoke about Black history.

Ryan Laurin of 1600 Mary Ave. spoke about archery in the Lansing School District.

Harold King of 1563 N. High St. spoke about various city matters.

Willie Hobbs of 5017 Connors Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Samara Washington of 2312 Bernard St. spoke about City Council Rule #19.

Jody Washington of 521 Nantucket Dr. spoke about City Council Rule #19.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-021

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michigan Fatherhood Coalition has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, recognizes the Michigan Fatherhood Coalition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Gilbert Ortiz, 74 High Street, Battle Creek, Michigan 49014.

By Councilmember Kaltenbach

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON GENERAL SERVICES

Transfer Ownership of 2008 Class C Licensed Business, located in Escrow at 3552 Meridian Crossing, Okemos, from Lite-R-Side, Inc. to API East of Eden, Inc.; Transfer Location (Governmental Unit) (MCL 436.1531 (1) to 205 S. Washington Sq.; and a new Dance-Entertainment Permit and new Official Permit (Dance-Entertainment) for weekdays (2:30 a.m. to 3:00 a.m.) and Sundays (7:00 a.m. to 3:00 a.m.)

By Councilmember Kaltenbach

To recommit this item

Motion Carried

RESOLUTION #2009-022

BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Robin Lewis of 2530 Dunbar Drive Lansing, Michigan 48906 to the Board of Directors of the Capital Area Transportation Authority for a term to expire September 30, 2011.

WHEREAS, the Committee on Intergovernmental Relations met on February 4, 2008 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Robin Lewis of 2530 Dunbar Drive, Lansing Michigan 48906 to the Board of Directors of the Capital Area Transportation Authority for a term to expire September 30, 2011.

By Councilmember Hewitt

Motion Carried

RESOLUTION #2009-023

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office received a request from a resident to evaluate the existing parking regulations along Ionia Street between Martin Luther King Jr. Boulevard and Sycamore Street;

WHEREAS, field observations and traffic data indicate that parking was unrestricted along the south side of Ionia Street between Martin Luther King Jr. Boulevard and Sycamore Street;

WHEREAS, based on the evaluation, the Transportation and Parking

Office surveyed residents along Ionia Street to determine if they would like the unrestricted parking along the south side from Sycamore Street to Martin Luther King Jr. Boulevard replaced with a new two hour time limit along the south side from Martin Luther King Jr. Boulevard to Sycamore Street;

WHEREAS, based on the Transportation and Parking Office's evaluation and resident survey, the Transportation and Parking Office installed two hour parking signs along the south side of Ionia Street between Martin Luther King Jr. Boulevard and Sycamore Street on a trial basis;

WHEREAS, based on the results of the study, the Transportation and Parking Office recommends that the existing two hour parking signs along the south side of Ionia Street between Martin Luther King Jr. Boulevard and Sycamore Street be made permanent;

WHEREAS, based on the results of the study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office that the existing two hour parking signs along the south side of Ionia Street between Martin Luther King Jr. Boulevard and Sycamore Street be made permanent;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's review of this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, the Committee on Public Safety concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, pursuant to Section 2.53(2) of the Codified Ordinances of Lansing the Transportation Engineer installed the two hour parking signs along Ionia Street between Martin Luther King Jr. Boulevard and Sycamore Street;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 08-050 thereby authorizing the Transportation Engineer to regulate the parking to two hour parking on Ionia Street between Martin Luther King Jr. Boulevard and Sycamore Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 08-050 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and any additional signs are installed.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-024

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office received a request from Mr. Ed Bomen, a resident of Kirby Drive, to change traffic operations along Kirby Drive from two-way to one-way southbound;

WHEREAS, the Transportation and Parking Office staff conducted a study of the roadway conditions;

WHEREAS, the Transportation and Parking Office installed the appropriate signs to regulate Kirby Drive as a one-way southbound street, on a trial basis;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking

Office that the one-way operations along Kirby Drive be made permanent;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's review of this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, the Administration recommends that the one-way operations along Kirby Drive be made permanent;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Administration;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 08-052, thereby authorizing the Transportation Engineer to install one-way southbound travel signs on Kirby Drive.

BE IT FINALLY RESOLVED that Traffic Control Order No. 08-052 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-025

BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT V

WHEREAS, it is a public necessity to do sidewalk repair in front of and adjacent to the properties described below:

AREA BOUNDED BY OAKLAND AVE., WILLOW ST., SEYMOUR AVE. AND N. WASHINGTON AVE. ALSO, THE SOUTH SIDE OF IONIA ST. FROM N. MLK. JR. BLVD. TO PINE ST. EXCEPTING ALL PUBLIC STREETS AND ALLEYS AND OTHER LANDS DEEMED NOT BENEFITTED.

ASSESSMENT ROLL B087	ESTIMATED COST	ACTUAL COST	DIFFERENCE
	\$75,497.39	\$75,793.43	\$296.04

RESOLVED, by the City Council of the city of Lansing, that the supplementary Special Assessment Roll B087 Public Service # 01090, known as **SIDEWALK REPAIR** as returned by the City Assessor, be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.

By Councilmember Dunbar

Motion Carried

RESOLUTION #2009-026

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to the Lansing City Charter and Chapter 280 of the Lansing Code of Ordinances, the Council shall designate in advance the first meeting of the Elected Officers Compensation Commission in odd-numbered years; and

WHEREAS, Chapter 280 of the Lansing Code of Ordinances requires the first meeting of the Elected Officers Compensation Commission to be held prior to March 1, 2009 and that the commission meet on no more than 15 session days;

WHEREAS, Chapter 280 of the Lansing Code of Ordinances requires the Elected Officers Compensation Commission to make its determination within forty-five days after its first meeting; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, calls upon the Elected Officers Compensation Commission to meet and conduct its business in the year 2009 and designates Friday, February 13, 2009 at 12:00 p.m. in the City Council Conference Room on the 10th floor of City Hall as the first meeting of the Commission.

BE IT FURTHER RESOLVED, the Legislative Office Manager to the Council shall serve as the recording secretary to the Commission unless the Commission determines otherwise.

BE IT FINALLY RESOLVED, the City Clerk shall notify the members of the Commission in writing concerning the designated date, time, and place of the first meeting at least seven calendar days in advance thereof.

By Councilmember Robinson

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE AMEND CHAPTER 1020, SECTION 6

By Councilmember Dunbar, Chair of the Committee on Public Services

That:

An Ordinance of the City of Lansing to Amend Chapter 1020, Section 6 of the Lansing Codified Ordinances, providing for removal of snow and ice on public sidewalks by the City if the property owner fails to do so, and for assessment of costs against the property owner

was introduced by Councilmember Dunbar and read by its title

RESOLUTION #2009-027

RESOLUTION SETTING PUBLIC HEARING
By Councilmember Dunbar

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, February 16, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing to Amend Chapter 1020, Section 6 of the Lansing Codified Ordinances, providing for removal of snow and ice on public sidewalks by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Interested Persons are invited to attend this Public Hearing.

By Councilmember Dunbar

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS;

AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

- a. Letters from the Mayor re:
 - i. Public Improvement I/II; Sidewalk Construction along the south side of N. Grand River Ave. from Waverly Rd. to Delta River Dr.; Along the north side of N. Grand River Ave. from Capitol City Blvd. to Remy Dr.; Along the south side of N. Grand River Ave. from Culver Ave. to W. North St., excepting all public streets and alleys and other land deemed not benefited

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- ii. ACT-21-08; Chilson Ave. Drain Easement

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Act-22-08; Washington Ave. and Mt. Hope Ave. Right-of-Way Acquisition

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. ACT-23-08; Edgewood Blvd. Right-of-Way Acquisition

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. ACT-24-08; Holmes Rd. and Waverly Rd. Right-of-Way Acquisition

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. ACT-25-08; Holmes Rd. and Pleasant Grove Rd. Right-of-Way Acquisition

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vii. Obsolete Property Rehabilitation Act (OPRA) District Application submitted by American Eagle Superstore for property located at 3366 Remy Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- viii. Appointment of Tony Baltimore to the Lansing Housing Commission for an At-Large Term-to-Expire June 30, 2011

RECEIVED AND PLACED ON FILE

- Communications and Petitions, and Other City Related Matters:

- a. Letter from the Board of Water and Light submitting Julee Rodocker's letter of resignation from the Board of Water and Light Board of Commissioners

REFERRED TO THE COMMITTEE OF THE WHOLE

- b. Letter from Thomas Cooper of 2021 W. Hillsdale St. requesting a waiver of grass and weed fees for property located at 1105 W. Shiawassee St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- c. Letter from Christine Timmon of 2519 S. Washington Ave. regarding Council Meetings

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Robinson

To excuse councilmember Allen from tonight's proceedings

Motion Carried

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, addressed comments made by speakers tonight regarding President Obama's proposed Economic Stimulus Package, as well as comments regarding city worker wages in the upcoming City Budget.

ADJOURNED TIME 9:02 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF FEBRUARY 16, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmember Robinson (Arrived at 7:11 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of February 9, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

1. Presentation; Poem reading by Dee Freeman for Black History Month

Dee Freeman read the following poem:

TAKING A SEAT
Dee Freeman © 9-08

A hero in her own right, Rosa Parks will forever hold a special place in my heart.

She displayed courage above and beyond the call of duty, with grace and calm.

When destiny came her way, she accepted it with open arms
When chance tugged at her coattail, she stood her ground firmly, with no tears.

When the powers that be demanded obedience, she refused with the pride of four hundred years.

When injustice of the law grabbed at her dignity, she faced it down with no fears.

When ordered to get up from her seat, she sat quietly; with a spirit to fight.

For she knew time had come, time to put the Satan's of injustice to flight.

She would sit in her seat! That infamous SEAT:

Not knowing that resting her tired body on that day would make history; world wide.

Not knowing her sitting down on that day meant
she was 'standing up for justice' as Martin Luther King Jr. so eloquently noted.

Not knowing her sitting down meant
she was putting into action her inalienable right;

Not knowing her sitting down meant
she was showing a people they didn't have to settle for such injustice;

Not knowing her sitting down meant
she was leading a people into their future of equality for all;

Not knowing her sitting down meant
she was speaking out against four centuries of hatred, condescension, apathy, abuse and injustices;

Not knowing her sitting down meant
she was using her love to elevate a downtrodden people;

Not knowing her sitting down meant
she was thinking of what could be
and what should be in a land so tarnished and divided;

Rosa Parks sat down then; now we must get up
now we must wake up
now we must lift our heads up
now we must speak up

She sat down then; now we must stand up...
Stand up in our families...pulling them close together
Stand up in our communities...making them become better
Stand up in our churches...beseeching an Almighty God
Stand up everywhere we go...making the road easier for others to trod
Whenever we get the chance...we must stand up for good and for right

Stand up when the prison bars hold us from making a productive life
We must stand up when scrubbing floors on our knees
Stand up when times are hard and we're expected to succeed
Stand up at the voting booths...to bring in a caring government...
A governing body that will help us to help ourselves, as it is meant...

We must continue to make Rosa Parks' sitting down mean
more than just taking a seat on a bus...
We must make it mean we've grown over these past years
we must make it mean we have broken down negative myths and fears

we must make it mean we are finally straightening our backs
and getting our bodies and our minds on track
we must make it mean we are willing:

to walk together
to talk together
to play together
to pray together
to laugh together
to cry together
to work together
to bond together
to unite and stand together
to march and press forward together
We are our sister's and our brother's keepers
and as such, we must fight and even die together
for a just cause that's of benefit to us all...

As Rosa Parks sits in heaven, watching us carry the torch of commitment

Let's make her proud of our stance and proud of our accomplishments
Let's now take our seats...on the bus of life:

On the seat of right

On the seat of justice

On the seat of peace

On the seat of love

In a seat in the Oval Office

On a seat of remembrance and honor

And to the world's most Humble and beloved SITTER;

We thank you as I begin to take my seat of Action!

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt announced the Foster Your Neighborhood meeting. He asked Jerry Ambrose, Executive Assistant to Mayor Bernero, what department citizens would call if they had questions regarding overnight parking regulations.

Jerry Ambrose stated that citizens can call the Police Department or the Traffic Division regarding overnight parking violations.

Councilmember Wood announced the Churchhill Downs, Colonial Village and Lewton-Rich neighborhood meetings. She asked Jerry Ambrose about hiring more fire inspections for construction projects.

Councilmember Robinson arrived at the meeting at 7:11 p.m.

Councilmember Allen stated that she placed information on the table in the back of the City Council Chamber regarding the Tri-County Office on Aging's description of areas services. She announced the Old-Everett Neighborhood meeting and stated that State Rep. Joan Bauer would be the guest speaker. She thanked citizens who sent her cards and called her regarding her recent surgery.

Councilmember Dunbar announced two informational meetings being presented by the City Assessor regarding taxable home values, and she announced the Annual Lansing Police Department Citizen's Academy.

Councilmember Robinson thanked the attendees of the recent 2nd Saturdays meeting and announced its next meeting. She spoke about the successful Delta Sigma Theta Sweetheart Dance.

Councilmember Wood announced a Friends of Historic Cemetery presentation.

Councilmember Dunbar commented on Councilmember Robinson's singing voice.

Council President Quinney spoke about events related to the kickoff to Lansing's Sesquicentennial celebration, including an art exhibition at the Historical Museum. He announced the winners of an art competition.

City Clerk Swope spoke about technical issues related to the posting of the City Council meeting packet on the City website. He stated that this is a good time to sign up and receive the City Council agenda through the City's listserv.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the kickoff to Lansing's Sesquicentennial celebration. He stated that there was one day left for citizens to pay their winter property tax bill without

receiving a penalty. He spoke about several items on tonight's agenda including the proposed ordinance changes related to snow removal. He announced the next City Hall on the Road event, the next Mobile Food Pantry and the PBS show "Unique Assets".

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Application for Obsolete Property Rehabilitation Act (OPRA) District filed by Cool City Developers, LLC for property located at 1522 N. Turner St./310 E. North St
 2. In consideration of in consideration of an Application for Obsolete Property Rehabilitation Exemption Certificate filed by Cool City Developers, LLC for property located at 1522 N. Turner St./310 E. North St
 3. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1020, Section 6 of the Lansing Codified Ordinances, providing for removal of snow and ice on public sidewalks by the City if the property owner fails to do so, and for assessment of costs against the property owner
- Councilmember Jeffries gave a brief overview of Public Hearing #1 and #2.
- Councilmember Dunbar gave a brief overview of Public Hearing #3.
- Otto Graesser of 2215 Wellesley Dr. gave suggestions regarding the proposed ordinance changes related to snow removal.
- William Hubbell of 3916 Wedgewood Dr. spoke about the proposed ordinance changes related to snow removal.
- Glenna DeJong of 1522 N. Turner St. spoke in support of Public Hearing #1 and #2.
- Bryon Decker of 543 E. Edgewood Blvd. spoke about snow removal and potholes in the city.
- Harold King of 1563 N. High St. stated concerns with the proposed ordinance changes related to snow removal.
- Dale Blakeslee of 5117 Wexford Rd. stated concerns with the proposed ordinance changes related to snow removal.
- Terry Terry of 1522 N. Turner St. spoke in support of Public Hearing #1 and #2.
- Jason Miller of 423 W. Willow St. stated concerns with the proposed ordinance changes related to snow removal.
- Darnell E. Oldham, Sr. 3815 Berwick Dr. spoke in opposition to the proposed ordinance changes related to snow removal.
- Kathi Raffone of 1221 Muskegon Ave. spoke about various matters.
- John Pollard of 1718 Blair St. stated concerns with all three Public Hearings.
- Dayle Benjamin of 1323 N. Chestnut St. stated concerns with the proposed ordinance changes related to snow removal.
- Russell Terry of 121 E. Mt. Hope Ave. spoke in opposition to the proposed ordinance changes related to snow removal.
- Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to

the proposed ordinance changes related to snow removal.

Rick Kibbey of 1609 E. Kalamazoo St. spoke in support of the proposed ordinance changes related to snow removal.

Kathi Raffone of 1221 Muskegon Ave. returned to finish speaking about various matters.

Bob Gray of 422 Dadson Dr. spoke in opposition to the proposed ordinance changes related to snow removal.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Application for Obsolete Property Rehabilitation Act (OPRA) District filed by Cool City Developers, LLC for property located at 1522 N. Turner St./310 E. North St

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of in consideration of an Application for Obsolete Property Rehabilitation Exemption Certificate filed by Cool City Developers, LLC for property located at 1522 N. Turner St./310 E. North St

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1020, Section 6 of the Lansing Codified Ordinances, providing for removal of snow and ice on public sidewalks by the City if the property owner fails to do so, and for assessment of costs against the property owner

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND
REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Gerald Rowley of 737 N. Pennsylvania Ave. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Dale Blakeslee of 5117 Wexford Rd. spoke about various city matters.

Harold King of 1563 N. High St. spoke about various city matters.

Jason Miller of 423 W. Willow St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city

matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-028

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing Neighborhood Council has requested \$1,000 to defray costs associated with the rental of the facility for the Bea Christy Award Dinner to be held on Friday, February 27, 2009; and

WHEREAS, the Committee on General Services met on Monday, February 9, 2009 and reviewed the request; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves a \$1,000 allocation from the Community Promotion Account to the Lansing Neighborhood Council to defray costs associated with the rental of the facility for the Bea Christy Award Dinner to be held on Friday, February 27, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$1,000 to the Council Community Promotion Account – 101.112101.741299.0;

BE IT FINALLY RESOLVED that the Lansing Neighborhood Council shall submit a written analysis of the event, including information regarding the number of attendees and a detail of their accounting of expenses to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-029

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Surin Boonyasith sought to eliminate Special Assessments of \$661.60 on Trash & Debris and \$639.33 on Board up and all associated penalties and interest on the property tax bill of 226 South Foster Avenue, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, February 9, 2009 to review the claims;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, deny the claims filed by Surin Boonyasith on Special Assessments of \$661.60 on a Trash & Debris and \$639.33 on Board up and all associated penalties and interest on the property tax bill of 226 South Foster Avenue, Lansing, Michigan;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-030

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Amal Elbast sought to eliminate Special Assessment of \$2,899.97 on 2nd Notice Fees and Board Ups and all associated penalties and interest on the property tax bill of 316 West Berry Avenue, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, February 9, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Amal Elbast of \$2,899.97 on 2nd Notice Fees and Board Ups and all associated penalties and interest on the property tax bill of 316 West Berry Avenue, Lansing, Michigan;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-031

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the Community Forestry Grant received from the State of Michigan Department of Natural Resources with funding from the USDA Forest Service and that the following FY 2009 transfer be approved:

\$20,000.00 From State & Fed. Programs--Forestry Grant
273.000000.579201 .19533

\$20,000.00 to State & Fed. Programs--Forestry Grant
273.733821.741000.19533

(Explanation: Community Forestry Grant received from the State of Michigan Department of Natural Resources with funding from the USDA Forest Service. This grant expires 9/1/2009.

The project funds will be used for "...contracted service expenses to conduct Community Tree Inventory...". Match will be provided by the \$150,000.00 appropriated from Park Millage Funds in the FY 2009 budget for Forestry Tree Inventory, account 412.933890.974000.12133.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-032

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

State/Federal Programs
Dispatcher Training – Public Act 32

\$20,921.00 from State Revenue 273.0.547000.14328
\$20,921.00 to Training – PA 32 273.343230.747000.14328

(To provide for distribution of the second of semiannual payments for the training of dispatchers in the 911 Communications Center of the Lansing Police Department. Calendar 2008 dispatcher training resources from the state equal \$ 41,395.00.)

By Councilmember Wood

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;

COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

a. Letters from the Mayor re:

- i. Sole Source Purchase; Lansing Fire Department request for Tall Pines LLC as the vendor for services to develop promotional exams

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Appointment of Josh Hovey to the Traffic Board for a 3rd Ward Term to Expire June 30, 2011

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iii. Appointment of Peter Mormon to the Traffic Board for a 4th Ward Term to Expire June 30, 2012

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iv. Appointment of Vincent Pecora to the Traffic Board for an At-Large Term to Expire June 30, 2009

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

Communications and Petitions, and Other City Related Matters:

- a. Letter from the Treasurer of Lansing Sesquicentennial Foundation, Timothy Adams, submitting its monthly report of expenditures for January 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- b. Application for Community Funding submitted by Lansing Neighborhood Council for their Bea Christy Award Dinner to be held February 27, 2009

RECEIVED AND PLACED ON FILE

- c. Community Funding Reporting Statement submitted by Lansing Neighborhood Council for their Bea Christy Award Dinner held February 22, 2008

RECEIVED AND PLACED ON FILE

- d. Letter of resignation from the Board of Ethics submitted by Paul Teszlewicz

RECEIVED AND PLACED ON FILE

- e. Letter from John Pollard of 1718 Blair St. regarding property taxes of a potential City Council candidate

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Wood asked City Clerk Swope if communications

received by the City Council regarding the snow removal ordinance could be a part of the Public Hearing referral and he stated that they could.

Councilmember Kaltenbach stated that Peter Mormon was a terrific choice for the Traffic Board.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that citizens can call the Police Department or the Traffic Division regarding overnight parking violations. He addressed comments made by speakers tonight regarding the proposed changes to the snow removal ordinance. He announced the next City Hall on the Road event, the next Mobile Food Pantry and two informational meetings being presented by the City Assessor regarding taxable home values. He stated that there was one day left for citizens to pay their winter property tax bill without receiving a penalty.

Councilmember Robinson asked Jerry Ambrose about the barrels on Edgewood Blvd. and to look into the issue regarding snow removal at Wexford School mentioned by a speaker tonight.

ADJOURNED TIME 9:26 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF FEBRUARY 23, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Councilmember Quinney

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

CONSIDERATION OF LATE ITEMS

By Councilmember Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Wood; Tribute; Recognition of Lansing's Pastors for dedication to the community

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

1. Presentation; El-Shabazz Academy Dancer and Drumming Performance in Recognition of Black History Month

Dr. Kane of El-Shabazz Academy spoke about Black History Month and introduced the performers who performed a drumming and dancing exhibition.

2. Tribute; Recognizing the Michigan Bulletin on its 15th Anniversary

City Clerk Swope read the following Resolution:

RESOLUTION #2009-033

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Marcus Jefferson, Greg Kelley, and Ernie Boone established The Michigan Bulletin in February 1995; and

WHEREAS, The Michigan Bulletin is a bi-weekly newspaper that

publishes articles on a wide variety of issues that affect Lansing area minorities; and

WHEREAS, The Michigan Bulletin is affiliated with numerous fraternal, religious, and civic organizations to aid staff in their mission toward community outreach; and

WHEREAS, The Michigan Bulletin works with young people through its Young Publishers Club to teach middle school students to college students all aspects of the publishing business, in hopes that they will major in journalism in college and/or start their own publication; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, congratulates The Michigan Bulletin on its 15th Anniversary. We wish you continued success in the future!

By Councilmember Wood

Motion Carried

Councilmember Wood introduced Marcus Jefferson.

Marcus Jefferson spoke about a Young Publishers Club.

Mayor Bernero spoke about the Michigan Bulletin, its 15 year milestone and the free press.

Councilmember Wood asked Marcus Jefferson to speak about closing the digital gap.

Marcus Jefferson explained the ways the Michigan Bulletin is working to close the digital gap in Lansing.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Wood spoke about the upcoming Bea Christy Award Dinner and two informational meetings on home tax values being presented by the City Assessor. She announced the Averill neighborhood meeting and Walking and Biking Network informational meetings. She spoke about the recent UAW Black History Month event.

Councilmember Hewitt announced the next Northtown and Green Oaks neighborhood meetings and he spoke about upcoming CSO meetings. He announced the next 1st Contact meeting for citizens of the 1st Ward and also announced the next Spring Souper event. He stated that Councilmember Jeffries makes some of the best pies for the Spring Souper. He also announced a family and friends day at a local church.

Councilmember Allen stated that she has received dozens of e-mails regarding the proposed changes to the snow removal Ordinance and assured viewers that the City Council will take its time to work on it. She challenged her fellow councilmembers to make better pies than Councilmember Jeffries for the Spring Souper.

Councilmember Dunbar spoke about the email messages she has received regarding the proposed changes to the snow removal Ordinance. She announced a Building Healthy and Sustainable Communities forum and gave details for citizens about the Home Purchase and Rehabilitation Fund.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the latest Mobile Food Pantry and announced the next event. He spoke about Lansing's portion of President Obama's stimulus package. He spoke about the plights of auto workers and stated that all Lansing citizens should look out for their neighbors.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of SLU-6-2008; Request from Barefoot Christian Church to utilize the building at 2312 E. Michigan Ave. for a church
2. In consideration of Z-8-2008; A request by Sycamore Street Partners, LLC, to rezone, with conditions, the property at the northwest corner of W. Ottawa St. and N. Sycamore St. from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial District to accommodate a mixed use building with associated site improvements

Councilmember Jeffries gave an extensive overview of the Public Hearings.

Stephanie Whitbeck of 620 W. Ionia St. stated concerns with Z-8-2008.

Harold King of 1563 N. High St. spoke in opposition to tax abatements.

Michael Hamlin of 732 W. Genesee St. spoke in support of Z-8-2008.

Gene Townsend of 815 Bancroft Ct. spoke in support of Z-8-2008.

Tony Beyers of 4800 Alpha St. spoke in support of Z-8-2008.

Matt Waligorski of 1129 Poxson Ave. spoke in support of Z-8-2008.

Alicia Perez-Banuet of 804 W. Shiawassee St. spoke in support of Z-8-2008.

Letricia Rodriguez of 416 N. Sycamore St. spoke in support of Z-8-2008.

Chris McCarus of 320 N. Butler St. urged city planning not involving the use automobiles.

Scott Schmidt of 535 N. Cedar St. spoke in support of Z-8-2008.

Jody Washington of 521 Nantucket Dr. spoke in support of Z-8-2008 and NEZ #24.

Vince Villegas of 500 E. Michigan Ave. spoke in support of Z-8-2008.

Darnell E. Oldham, Sr. 3815 Berwick Dr. spoke in opposition to tax abatements.

John Pollard of 1718 Blair St. spoke in opposition to Z-8-2008 and the OPRA District and Certificate for Cool City Developers, LLC.

Stan Shuck of 818 Cooper Ave. spoke in opposition to Z-8-2008.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to tax abatements.

Kathi Raffone of 1221 Muskegon Ave. spoke about various legislative matters.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-6-2008; Request from Barefoot Christian Church to utilize the building at 2312 E. Michigan Ave. for a church

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of Z-8-2008; A request by Sycamore Street Partners, LLC, to rezone, with conditions, the property at the northwest corner of W. Ottawa St. and N. Sycamore St. from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial District to accommodate a mixed use building with associated site improvements

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Penny Gardner of 1035 Seymour Ave. spoke about positive aspects of Lansing.

Michael Morofsky of 1300 Woodbine Ave. spoke about neighborhood watch.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Stephanie Whitbeck of 620 W. Ionia St. spoke about snow removal, Z-8-2008 and spoke about positive aspects of Lansing.

Mary Marshall of 3921 Calvin Dr. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Harold King of 1563 N. High St. spoke about various city matters.

Michigan of Lansing, MI spoke about life.

Jesse Cao of 3909 Wainwright Ave. spoke about racism.

Jean-Philippe Lebleau of 25513 5 mild Rd., Redford Twp., spoke about the Home Foreclosure and Bank Protection Act.

Bill Roberts of 29723 Mason St., Livonia, spoke about the Home Foreclosure and Bank Protection Act.

Linda Appling of 4010 Thackin Dr. spoke about clearing sidewalks of snow.

Rob Wilcox of 1104 Pershing Dr. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city

matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Queen Darlene Rhodes of 1200 Parkview St. spoke about Black History Month.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Christopher Davis of 122 W. Howe spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-034

BY COUNCILMEMBER KATHIE DUNBAR
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Pearl Nomvume Magaqa is in Lansing to further good relations and opportunities between the Republic of South Africa and the Midwestern States of the United States; and

WHEREAS, in June, 2008, Pearl Nomvume Magaqa was appointed as the Consul General of South Africa in Chicago with responsibilities for 14 states, including Michigan; and

WHEREAS, previously Consul General Pearl Nomvume Magaqa served as Chief Director in the Office of the Ministers of Public Enterprises and of Transport; and

WHEREAS, Consul General Magaqa was her nation's ambassador to Thailand in 2005, Ambassador Extraordinary and Plenipotentiary and Permanent Observer to the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP); and

WHEREAS, during more than a decade Pearl Nomvume Magaqa has served in various capacities in the African National Congress, including researching education issues for the first historic meetings between Nelson Mandela and F.W. de Klerk before the African National Congress took power in the first democratic election in 1994; and

WHEREAS, Pearl Nomvume Magaqa speaks Bulgarian, Swahili, German, Zulu, Xhosa, English, Swazi, and Afrikaans at various levels of proficiency; and

WHEREAS, Lansing is looking forward to working with Consul Pearl Nomvume Magaqa to further develop Lansing-South African relations in cultural, diplomatic, and economic avenues;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, welcomes Consul General Pearl Nomvume Magaqa to Lansing and congratulates her on her appointment as Consul General of South Africa to Chicago;

BE IT FURTHER RESOLVED that this document is presented in token of respect and friendship being offered to Pearl Nomvume Magaqa by the Lansing City Council and on behalf of the Mayor and the citizens of Lansing. We offer good will to the people of the nation and the Republic of South Africa.

By Councilmember Dunbar

Motion Carried

RESOLUTION #2009-035

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, today, more than ever, our religious leaders play a critical role keeping the community nurtured and motivated to take on every day challenges and celebrate its triumphs. These leaders carry significant influence in our lives and are among the most highly respected individuals in the community; and

WHEREAS, the Divine Connection, in association with Swanson Funeral Home and New Citizen Press, will play host in honoring some of the City's most esteemed and influential pastors, who have made a positive effect on the community. The Pastors Salute will publicly observe and applaud the contributions of the pastors recognized this year and each year to follow as well as showcase their good works in the community; and

WHEREAS, on Saturday, February 28, 2009, the Pastors Salute will pay tribute to the pre-selected pastors through an event and special commemorative plaque from Swanson Funeral Home as well as letters written by their congregation in a gift box to be treasured for years to come, both as a commemoration of the community's heroes and a testament to the community's strong faith;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to recognize Lansing's pastors for dedication to the community and celebrate their triumphs as leaders, mentors, and motivators.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-036

BY COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLUTION TO ESTABLISH NEIGHBORHOOD ENTERPRISE ZONE No. 24 EAST VILLAGE

WHEREAS, the City of Lansing supports the efforts to complete and revitalize the residential neighborhood commonly known as East Village in Lansing, Michigan; and

WHEREAS, Public Act 147, 1992 of the State of Michigan, the Neighborhood Enterprise Zone Act, was enacted to encourage new housing construction and the rehabilitation of existing housing units and structures in older established cities in the State, including the City of Lansing, by allowing communities to grant tax abatement on specific residential properties located within districts which are designated by the community; and

WHEREAS, as required by P.A. 147 of 1992, the City Assessor and each taxing unit were notified on December 1, 2008 of the City's intent to establish a new Neighborhood Enterprise Zone, and that written notice was received not less than 60 days before the passage of a resolution for designation of a Neighborhood Enterprise Zone; and

WHEREAS, as required by P.A. 147 of 1992, prior to acting on this request, on December 8, 2008 a public hearing was held on the establishment of a new Neighborhood Enterprise Zone. The public hearing was held not later than 45 days after notification of the taxing units; and

WHEREAS, as required by P.A. 147 of 1992, the City Council has been furnished with the amount of the True Cash Value of the property located within the proposed Neighborhood Enterprise Zone has been calculated by the City Assessors Office at \$13,275,000;

NOW THEREFORE BE IT RESOLVED, that as required by P.A. 147 of 1992, the City Council makes the following findings:

- 1) The City Council has previously adopted a housing inspection code ordinance which meets the requirements of P.A. 147 of 1992.
- 2) The proposed Neighborhood Enterprise Zone is consistent with the area master plan, and the neighborhood preservation and economic development goals of the City.
- 3) The goals, objectives and policies prepared for the five-year U.S. Department of Housing and Urban Development Consolidated Plan and the *Goals & Objectives for the Twenty-first Century* as adopted by the City Council meet the intended goals, objectives and policy for the Neighborhood Enterprise Zones relative to the maintenance, preservation, improvement, and development of housing for all persons regardless of income level living within a Neighborhood Enterprise Zone.

BE IT FURTHER RESOLVED that the Lansing City Council approves the boundaries for the new Neighborhood Enterprise Zone as described below:

East Village, No. 24

Boundaries: COM 40 FT S OF N 1/4 COR SEC 15, TH E 816.53 FT, S 938.68 FT, W 1055.47 FT, N 115.77 FT, W 99.59 FT, N 827.99 FT TO S LINE E SAGINAW ST, E 335.85 FT TO BEG; SEC 15 T4N R2W.

BE IT FURTHER RESOLVED that the Lansing City Council hereby establishes a Neighborhood Enterprise Zone with the intended purpose of promoting residential development, as listed by parcel number in "Attachment A" and as represented on the map as "Attachment B".

BE IT FURTHER RESOLVED that the administration through its contractual obligation with the Economic Development Corporation of the City of Lansing is authorized to implement the Neighborhood Enterprise Zone program in Zone 24, East Village in accordance with P.A. 147, of 1992.

BE IT FINALLY RESOLVED that the City Clerk forward three certified copies of this resolution to the Economic Development Corporation so that this action shall be filed with the State Department of Treasury.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-037

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Obsolete Property Rehabilitation Act: 1522 North Turner/310 E North Street

WHEREAS, the owner of property located at 1522 North Turner and 310 E North Street in the City of Lansing, Michigan (the Property) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the District) as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (the Act), and

WHEREAS, the current owner is Cool City Developers, LLC, hereinafter called the Developer, and

WHEREAS, the owner is presently the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the owner has, in writing, requested the District for the Property and for the City of Lansing to take all necessary steps and actions to establish the District on their behalf, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

PART OF LOTS 4, 5, 6 & 7 COM NW COR LOT 5, TH S 82 FT, E 66 FT, S 80 FT, W 66 FT, S 118.5 FT, E 124 FT, N 261.72 FT, NWLY 115 FT +/- TO BEG; BLOCK 8 ORIG PLAT and,

WHEREAS, the Act requires that before establishing the District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that said public hearing was held on February 16, 2009;

NOW THEREFORE BE IT RESOLVED that the following property is hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000: PART OF LOTS 4, 5, 6 & 7 COM NW COR LOT 5, TH S 82 FT, E 66 FT, S 80 FT, W 66 FT, S 118.5 FT, E 124 FT, N 261.72 FT, NWLY 115 FT +/- TO BEG; BLOCK 8 ORIG PLAT and,

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council's approval of any future application for an Obsolete Properties Rehabilitation Exemption Certificate for the Developer or any other applicant.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-038

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Obsolete Property Rehabilitation Tax Exemption Certificate Approval,
1522 N Turner and 310 E. North Street

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Cool City Developers, LLC has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPT Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 1522 North Turner and 310 E. North Street, Lansing, Michigan (Obsolete Property); and

WHEREAS, Cool City Developers, LLC (the Developer) owns the proposed Obsolete Property; and

WHEREAS, the proposed Obsolete Property is located within an Obsolete Property Rehabilitation District is expected to be legally established by resolution on February 23, 2009, after a public hearing was held, as provided by section 3 of PA 146 of 2000; and

WHEREAS, a public hearing was held on February 16, 2009 on the Developer's application for an OPT Certificate, after proper notice was made, pursuant to section 4(2) of PA 146 of 2000; and

WHEREAS, the Developer has represented and committed to the City to undertake, and complete not later than December 31, 2011, the rehabilitation, renovation, and reconstruction of the Obsolete Property into office, and retail commercial use throughout the structure;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves of the issuance of an Obsolete Property Rehabilitation Exemption Certificate to Cool City Developers, LLC, for the Obsolete Property located at 1522 North Turner and 310 E North

Street, Lansing, Michigan, legally described as:

PART OF LOTS 4, 5, 6 & 7 COM NW COR LOT 5, TH S 82 FT, E 66 FT, S 80 FT, W 66 FT, S 118.5 FT, E 124 FT, N 261.72 FT, NWLY 115 FT +/- TO BEG; BLOCK 8 ORIG PLAT

for the period of twelve (12) consecutive years.

BE IT FURTHER RESOLVED that the Lansing City Council, in approving the Developer's application by this resolution, finds and determines all of the following;

1. The taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under Public Act 198 of 1974 (IFT's) does exceed five percent (5%) of the total taxable value of the City of Lansing and does not substantially impede the operation of the City of Lansing or impair its financial soundness.
2. The applicant is not delinquent in any taxes related to the facility.
3. All of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Lansing by the applicant.
4. The application is for an obsolete property as defined in section 2(h) of PA 146 of 2000.
5. The commencement of rehabilitation activities of the facility did not occur prior to the establishment of the Obsolete Properties Rehabilitation District.
6. The application relates to the rehabilitation program for the building located at 1522 N Turner St and 310 E North St., Lansing, Michigan and, when completed, will constitute a rehabilitated facility within the meaning of PA 146 of 2000 and the facility is situated within the Obsolete Property Rehabilitation District established by the City of Lansing, which is a Qualified Local Governmental Unit eligible under PA 146 of 2000 to establish such a district.
7. The completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create some employment, and revitalize an urban area.
8. The rehabilitation includes improvements aggregating ten percent (10%) or more of the true cash value of the property at the commencement of the rehabilitation as provided by section 2(L) of PA 146 of 2000.

The rehabilitation must be completed not later than December 31, 2011 as evidence by the issuance of a Certificate of Occupancy from the City of Lansing Building Safety Office.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the "Clerk Certification" and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-039

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Marcie Alling, 514 Fulton Place, Lansing, Michigan 48915 to an At Large position on the Board of Zoning Appeals, for a term to expire June 30, 2010.

WHEREAS, the Committee on Development and Planning met on February 18, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Marcie Alling, 514 Fulton Place, Lansing, Michigan 48915 to an At Large position on the Board of Zoning Appeals, for a term to expire June 30, 2010.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-040

BY THE COMMITTEE ON PERSONNEL
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee reviewed a memo from the Human Resources Director, Terri Singleton, regarding the Compensation and Fringe Benefits for the City Council staff; and

WHEREAS, the Committee recommends that the Council authorize the changes to have the Compensation and Fringe Benefits for its employees to be in accordance with provisions provided to other City employees and Teamsters Local 214;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the recommendation from the Human Resources Director, Terri Singleton, to make adjustments to the City Council staff Fringe Benefit package to have the Compensation and Fringe Benefits for its employees to be in accordance with provisions provided to other City employees and Teamsters Local 214:

1) Wage Increases and Cash Payment:

August 1, 2007:	0.00% increase hourly wage
February 1, 2009:	1% cash payment
August 1, 2009:	1.25% increase hourly wage
August 1, 2010	1.25% increase hourly wage

2) Add an additional two (2) Steps at the Bottom of the Pay Scale: (the new step 1 will be 10% less than the existing step 1 and the new step 2 will be 5% less than the existing step 1; the existing steps will be renumbered).

3) Sick Leave Incentive: Eliminate current incentive (\$150 if use less than 8 hours sick leave in a year) and replace it with the following incentive:

Employees who have accumulated sixty (60) days (480 hours) of sick leave shall have the option at the end of the calendar year ending September 30th to receive reimbursement for up to the first four (4) unused sick leave days accrued that year. If an employee did not use a sick leave day during that year he/she may be reimbursed for up to four (4) days. If an employee used one (1) sick leave day he/she shall be eligible for three (3) days of reimbursement. If an employee uses two (2) sick leave days he/she shall be eligible for two (2) days of reimbursement. If an employee uses three (3) sick leave days he/she shall be eligible for one (1) day of reimbursement.

4) Health Insurance - Effective 4/1/09 (or as soon as is practicable):

- a. 5% Employee Monthly Premium Share
- b. Prescription Co-Pays: \$10/20/40 (BCBS) and \$15/25/50 (PHP) or if the City obtains a Prescription Benefit Manager, \$10/20/40 under either plan.
- c. Mail Order Prescription Drug Rider: MOPD2 (90 days w/2 co-pays)
- d. Retail 90 Rider: 90 days w/2 co-pays
- e. Mandatory Generic Rider: unless approval is received, an individual must accept the generic version of brand name drugs or pay the brand name co-pay plus the difference in cost between the generic and brand name drug.
- f. Healthcare Co-pays: \$20 Office/Urgent Care Visit, \$50 Emergency Room Visit
- g. City employees married to City employees are entitled to one coverage only and are not entitled to opt-out payment.
- h. Retiree Healthcare: new employees hired after ratification are entitled to retiree only healthcare coverage after retirement.

The City will hold a Special Open Enrollment for employees who wish to change health coverage prior to the effective date of the changes.

Note: the City agrees to increase the maximum cap on medical expense reimbursement flexible spending account provided through AFLAC to \$2,500 per year.

- 5) Dental Insurance Coverage: Effective 4/1/09 (or as soon as is practicable):

Increase the maximum benefit for Class I, II, and III services from \$800 to \$1,200 and the maximum benefit for Class IV (Orthodontic) services from \$1,000 to \$3,500.

- 6) Vision Insurance Coverage: Effective 4/1/09 (or as soon as is practicable):

The City will provide Blue Cross Blue Shield VSP 12/12/12 vision insurance coverage.

The benefit package adjustments recommended above are well within the parameters of the costs and provisions in recently negotiated labor contracts and other personnel group rules.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-041

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **529 Ash Street**, Parcel # **33-01-01-09-430-221** legally described as: **Lot 29 Assessors Plat No 30 of Block 19 Orig Plat** is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on **April 23, 2008**; and

WHEREAS, a hearing was held by the Hearing Officers on **August 28, 2008**, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **September 25, 2008**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take

appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **October 27, 2008**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **529 Ash Street** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **sixty days** from the date of this resolution, **Monday, February 23, 2009**.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-042

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **612 N. Larch**, Parcel # **33-01-01-16-227-161** legally described as: **Com 374.17 Ft S & 25 Ft W of NE Cor Lot 1 Th S'y Par L to E Line Sec 16 250.19 Ft to S'y line Lot 4, W'y along S'y Line Said Lot 4 170.15 Ft, N'y Par L with E Line Sec 16 437.83 Ft, SE'y on 373.06 Ft Rad Curve Conv to NE With Long Chord of 253.45 Ft to Beg; Block 248 Orig Plat** is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was issued four separate housing code violation letters between January and July 2008; and

WHEREAS, a hearing was held by the Hearing Officers on **December 4, 2008**, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **January 4, 2009**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **February 9, 2009**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **612 N. Larch** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **sixty days** from the date of this resolution, **Monday, February 23, 2009**.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-043

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office received a request from Hotwater Works located at 2116 Michigan Avenue to implement a two-hour time limit along the south side of Michigan Avenue between Fairview Avenue and Magnolia Avenue;

WHEREAS, based on the Transportation and Parking Office's evaluation, the Transportation and Parking Office installed two-hour time limit signs along the south side and the appropriate corner clearance

signs along the north and south sides of Michigan Avenue between Fairview Avenue and Magnolia Avenue on a trial basis;

WHEREAS, based on field observations during the trial period and the fact that no negative comments were received, the Transportation and Parking Office recommends that the existing two-hour parking signs along the south side and the appropriate corner clearance signs along the north and south sides of Michigan Avenue between Fairview Avenue and Magnolia Avenue be made permanent;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office that the existing two-hour time limit signs along the south side and the appropriate corner clearance signs along the north and south sides of Michigan Avenue between Fairview Avenue and Magnolia Avenue be made permanent;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's review of this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, the Committee on Public Safety concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, pursuant to Section 2.53(2) of the Codified Ordinances of Lansing the Transportation Engineer installed the two-hour time limit signs along the south side and the appropriate corner clearance signs along the north and south sides of Michigan Avenue between Fairview Avenue and Magnolia Avenue;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 08-051 thereby authorizing the Transportation Engineer to regulate the parking regulations on Michigan Avenue between Fairview Avenue and Magnolia Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 08-051 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and any additional signs are installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-044

BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT V

WHEREAS, it is a public necessity to do sidewalk repair in front of and adjacent to the properties described below:

AREA BOUNDED BY JOLLY RD., CROCUS AVE., BLUEBELL DR., AND S WASHINGTON AVE. ALSO AN AREA BOUNDED BY JOLLY RD., BALLARD RD., INGHAM ST., AND FIELDING DR.. ALSO AREA BOUNDED BY CAVANAUGH RD., S. PENNSYLVANIA AVE., VERNON AVE. AND PARKWAY BLVD.. EXCEPTING ALL PUBLIC STREETS AND ALLEYS AND OTHER LANDS DEEMED NOT BENEFITTED.

ASSESSMENT ROLL B086	ESTIMATED COST	ACTUAL COST	DIFFERENCE
	\$94,522.67	\$94,215.42	\$-307.25

RESOLVED, by the City Council of the city of Lansing, that the supplementary Special Assessment Roll B086 Public Service # 01091, known as **SIDEWALK REPAIR** as returned by the City Assessor, be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.

By Councilmember Dunbar

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that Vice President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk
 - i. Providing notice of the placement on file of the updated Buy/Sell Agreement from Lansing Community College to purchase the North Capitol Ave. Parking Ramp from the City of Lansing

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Submitting reports of Board, Authority and Commission Term Expirations, Appointments Pending Council Confirmation, City Boards, Authorities and Commissions (Comprehensive listing) and Vacant Board, Authority and Commission Positions

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Appointment of Margaret Bossenbery to the Board of Water and Light Board of Trustees for a 2nd Ward Term to Expire June 30, 2010

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Withdrawal of Appointment of Mary Welch to the Board of Zoning Appeals

RECEIVED AND PLACED ON FILE

- iii. Sole Source Purchase; Police Department request for iyeTek Company as the vendor for Electronic Crash & Citation Reporting Software

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Sole Source Purchase; Police Department request for Corrugated Metals, Inc. as the vendor for Blast Wall for Emergent Biosolutions

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Notices from the State of Michigan Public Service Commission providing notice of public hearings to:
 - i. The Electric customers of Consumers Energy Company Case No. U-15744 to be held March 3, 2009

RECEIVED AND PLACED ON FILE

- ii. The Electric and Gas Customers of Consumers Energy Company Case Nos. U15805 and U-15889 to be held February 27, 2009

RECEIVED AND PLACED ON FILE

- b. Letter of Resignation from the Traffic Board submitted by Katie Olender

RECEIVED AND PLACED ON FILE

- c. Letter from Rebecca Payne of 101 Bessemaur Dr., East Lansing, in opposition to the Board of Water and Light's proposed new coal burning plant

REFERRED TO THE COMMITTEE OF THE WHOLE

- d. Letter from Christine Timmon of 2519 S. Washington Ave. regarding the Lansing City Council

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Dunbar

To excuse Council President Quinney from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Dunbar explained that councilmembers who use laptop computers during City Council meeting are recording the comments of speakers so that they may contact them at a later time. She spoke about the Ottawa/Butler project.

Councilmember Jeffries spoke about the Ottawa/Butler project.

Councilmember Dunbar spoke about two informational meetings on home tax values being presented by the City Assessor. She addressed comments made by a speaker tonight regarding Lansing's creative class.

Councilmember Wood spoke about the Ottawa/Butler project.

ADJOURNED TIME 10:13 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 2, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmembers Allen (Arrived at 7:01 p.m.), Robinson

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

Councilmember Allen arrived at the meeting at 7:01 p.m.

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of February 16 and 23, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Councilmember Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Wood; Presentation; Recognition of National Association of Women in Construction

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

1. Presentation; Mayor's Hometown Hero Award to Ryan Kowalk

Mayor Bernero stated that it was a privilege to meet Ryan Kowalk, an everyday citizen who tried to help save the life of two residents whose car fell into the Grand River. He stated that although Ryan rejects the label of hero, his actions were the best chance of survival for the victims of this accident. He spoke about the gratefulness of the survivor's family and acknowledged the efforts of the Lansing Police and Fire

Departments.

Ryan Kowalk thanked the Mayor and City Council for this honor and he recognized everyone involved in trying to help the victims.

Mayor Bernero stated that people like Ryan make the city proud.

Police Chief Alley stated that what Ryan did was a heroic act and that he appreciated his efforts.

Councilmember Hewitt acknowledged Ryan as a 1st Ward resident and stated that it takes a special person to act like Ryan did. He thanked him for his heroic act on behalf of the City Council.

Ryan thanked the City's CSI team for finding his wedding ring.

Council President Quinney acknowledged all of the first responders in attendance tonight.

2. Tribute; Recognizing March as National Women's History Month

City Clerk Swope read the following Resolution:

RESOLUTION #2009-045

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in 1996, the National Association of Negro Business and Professional Women's Clubs, Inc. (NANBPWC), voted to adopt the National Women's History Project as one of its nationally recognized programs; and

WHEREAS, the NANBPWC encourages all local clubs to implement a program designed to recognize the contributions and accomplishments made by African American women; and

WHEREAS, every year, during the month of March, hundreds of thousands of events are held throughout the country to acknowledge and recognize the amazing accomplishments of women; and

WHEREAS, National Women's History Month provides an opportunity to educate the general public about the significant role of women in American history and contemporary society. Establishing this focal celebration has encouraged schools to introduce new curriculum and communities to recognize women who have been pivotal in their own communities; and

WHEREAS, this national celebration and recognition of women's historic achievements began in 1980, when a presidential proclamation declared the first week in March as National Women's History Week. In 1987, this national celebration was expanded by congressional resolution to an entire month by declaring March as National Women's History Month; and

WHEREAS, in Lansing, the theme for 2009 is "Women's History is Our History Too!" and local clubs will host a variety of Women's History activities to acknowledge the many accomplishments made by African American women throughout history;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to recognize March as National Women's History Month.

By Councilmember Wood

Motion Carried

Councilmember Wood stated that she appreciated the efforts of the National Association of Negro Business and Professional Women's Clubs, Inc. and thanked them for making Lansing's history better.

Mayor Bernero stated that he appreciated the outreach efforts of the National Association of Negro Business and Professional Women's Clubs, Inc. and he himself is considered an unofficial member. He spoke about club's contributions to the City of Lansing and presented the members present with a crystal globe.

Gloria Davis stated that it is a pleasure to work with the city and that Mayor Bernero is a big supporter of her organization. She thanked the Mayor and City Council for recognizing the contributions of women in Lansing.

Betty Nixon thanked everyone for this honor.

Council President Quinney congratulated the National Association of Negro Business and Professional Women's Clubs, Inc. and thanked them for all that they do for women. He spoke about his aunt Lela Eaton, a founder of the Greater Lansing Area Club local chapter.

3. Presentation; Recognition of National Association of Women in Construction

Councilmember Wood spoke about the National Association of Women in Construction and stated that her sister Carleen Hallman was a founding member. She spoke about their scholarship program.

Mayor Bernero read the following proclamation:

WHEREAS: It is a pleasure to join in the celebration of Women in Construction Week to recognize the many accomplishments of women in the construction trades, and the support they have provided to the Lansing community; and

WHEREAS: The National Association of Women in Construction (NAWIC), Lansing, MI, Chapter No. 177 was established in February of 1972 and has for 38 years distinguished itself as the voice of women in construction in the Greater Lansing area; and

WHEREAS: The work done by the NAWIC – Lansing Chapter No. 177 has benefited the City of Lansing through community development and educational programs. Through the Block Kids Building Program they have worked diligently to promote careers in the construction industry to elementary school children, with the MAGIC camps for girls focuses on middle school students, and Construction Career Days and CAD/Design Drafting competitions that include both middle school and high school students. With the Carleen Hallman Scholarship, they have given opportunities for college students to advance their knowledge of construction careers; and

WHEREAS: The Lansing Chapter No. 177 of NAWIC has unceasingly promoted the employment and advancement of women in the construction industry. The construction community, under the NAWIC Leadership, has been a driving force in fostering community development through renovation and beautification projects; promotion of skilled trades careers; and a positive vision of the future; and

WHEREAS: The Association has sought to achieve successful results for the City of Lansing and surrounding areas in a cooperative spirit with other organizations.

NOW, THEREFORE, I, Virg Bernero, Mayor of the City of Lansing, by the power vested in me proclaimed March 1, 2009 through March 7, 2009 as

"Women in Construction Week"

in Lansing. Residents are encouraged to join me and thank the NAWIC, Lansing Chapter No. 177, for their continued support in helping to build Lansing's future. We wish them continued success in the future.

Chapter President Melanie Meyers spoke about the scholarship program in the name of Councilmember Wood's sister Carleen Hallman.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council President Quinney spoke about a bonding retreat that he and several councilmembers took this past weekend.

Councilmember Hewitt spoke about a friends and family event at a 7th Day Adventist church. He announced the next Eastside Neighborhood Organization meeting, the Eastside Souper event and the next 1st Contact meeting for residents of the 1st Ward. He stated that he was to have his head shaved as part of a cancer awareness event presented by St. Baldrick's.

Council President Quinney asked Councilmember Hewitt how much it would cost for him to donate money to the St. Baldrick's event in order to be the person who would shave Councilmember Hewitt's head. He commended Councilmember Hewitt for his participation in this event.

Councilmember Hewitt stated that it would cost \$50 to have his head shaved.

Councilmember Wood announced the next Genesee Neighborhood Association meeting and the Friends of Lansing's Historic Cemeteries meeting and stated that Gladys Gilson recently passed away. She spoke about an upcoming PBS special celebrating Michigan women featuring Lucille Belen. She announced an April 4, 2009 event at the Lansing Center regarding community resources available to citizens during these tough economic times.

Councilmember Allen announced a Mill Pond Village residents' meeting.

Councilmember Dunbar announced a new neighborhood meeting that will be held at Cristo Rey Church and a Walking and Biking Task Force meeting. She spoke about the wonderful facilitator that was present at the bonding retreat that she and several councilmembers participated in this past weekend.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about a recent Lansing pastors' event. He stated that Jackson National Life was bringing 150 new jobs to Lansing and he thanked the Economic Development Corporation and his cabinet for bringing these jobs to town. He spoke about the 2009 Road Repair Program and asked citizens to report potholes.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Bob Gray of 422 Dadson Dr. spoke about Edgewood Blvd.

Bonnie Eastman of 1901 Vermont Ave. spoke about the Riverfront Apartments.

Jonelle Johnston of 3309 Westwood Ave. spoke about the Shady Oaks Development.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Robert Dulebohn of 3510 W. Saginaw St. spoke about Waverly Gold Course.

Harold King of 1563 N. High St. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Rod Shangle of 3203 Westwood Ave. spoke about golf in the city.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-046

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Family Advocate and Support Team Incorporated has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, recognizes the Family Advocate and Support Team Incorporated as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Chris Maxie of the Family Advocate and Support Team of 224 West Street, Lansing, MI 48915.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-047

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Curtis Pierce sought to eliminate a Special Assessment of \$771.50 on Trash and Debris and all associated penalties and interest on the property tax bill of 1918 John Street, Lansing, Michigan 48906,

along with a request to receive a monetary amount of \$1,728.50 for items taken; and

WHEREAS, the Committee on General Services met on Monday, February 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Curtis Pierce on a Special Assessment of \$771.50 for Trash and Debris and all associated penalties and interest on the property tax bill of 1918 John Street, Lansing, Michigan 48906, along with a request to receive a monetary amount of \$1,728.50 for items taken;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Councilmember Kaltenbach

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Notice of Intent to Issue Bonds for Capital Improvement Projects

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Issuance of Bonds for Phase V, Segment 1 of the CSO Program

REFERRED TO THE COMMITTEE OF THE WHOLE

- iii. Resolution of Intent – Michigan Ave. Corridor Improvement Authority

REFERRED TO THE COMMITTEE OF THE WHOLE

- iv. Transfer of Funds; 911 Communication Center, Operations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Resolutions from the Ingham County Board of Commissioners making appointments to the Ingham County/City of Lansing Community Corrections Advisory Board and requesting confirmation of:

- i. Resolution #09-026: Thomas Halsted as the Adult Probation Representative, term ending September 17, 2009

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- ii. Resolution #09-037; Neal Johnson as the Business Community Representative, term ending September 17, 2010 and Monica Jahner as the General Public Representative, term ending September 17, 2011

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- b. Letter from the International Brotherhood of Electrical Workers Local Union 352 in support of the Appointment of Margaret Bossenbery to the Board of Water and Light Board of Trustees for a 2nd Ward Term to Expire June 30, 2010

REFERRED TO THE COMMITTEE OF THE WHOLE

MOTION OF EXCUSED ABSENCE

By Councilmember Dunbar

To excuse Councilmember Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Jeffries stated that issues related to Edgewood Blvd. would be taken up at the next Committee of the Whole meeting. He asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to give an update on Z-10-2008.

Councilmember Dunbar spoke about the proposed changes to the sidewalk snow removal Ordinance.

Councilmember Kaltenbach asked Jerry Ambrose to make sure that the 150 new Jackson National Life employees would live in Lansing.

Councilmember Allen asked Jerry Ambrose if the new Jackson National Life employees would occupy the company's former building on the city's south side and he stated that they would.

Councilmember Wood stated that the 150 new Jackson National Life employees were a part of the 425 agreement with the city. She asked Jerry Ambrose about issues related to Haag Rd. and Miller Rd.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the need to expedite the Notice of Intent to Issue Bonds for Capital Improvement Projects and the Issuance of Bonds for Phase V, Segment 1 of the CSO Program referred to the Committee of the Whole earlier in tonight's meeting. He spoke about the Mayor's automobile coalition.

ADJOURNED TIME 8:51 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 9, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of March 2, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion Failed by the following roll call vote:

Yeas: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney

Nays: Councilmembers Hewitt, Robinson, Wood

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Presentation; City of Lansing Retirees

Council President Quinney spoke about some of Lansing's finest moving on in their lives and thanked them for their years of service to the City of Lansing.

The following retirees were present: Robert Vargas of the Lansing Police Department, John Peterson of the Public Service Department, and Liz Homer of the Parks and Recreation Department.

Mayor Bernero thanked all of the retirees for jobs well done.

2. Presentation; Mayor's Hometown Hero Award to James Parish and Joseph Maguire, "Trailblazers" for Lansing River Trail

Murdock Jemerson, Director of the Parks and Recreation Department, spoke about the Michigan Recreation and Parks Association nominating process for Community Service Award winners.

Brett Kaschinske of the Parks and Recreation Department spoke about the Lansing Trailblazers and the important work that they are doing.

Mayor Bernero stated that the city takes its Parks and Recreation Department's programs seriously.

Joe McGuire spoke about the Lansing Trailblazers and all of the benefits that the city receives on its River Trail.

James Parish spoke about the Lansing Trailblazers and the plans for the River Trail.

Mayor Bernero spoke about the wonderful work being done by the Lansing Trailblazers.

3. Presentation; Mayor's Hometown Hero Award to Joan Lenhard, Recipient of the Outstanding Achievement Award from the Michigan Recreation and Parks Association

Mayor Bernero spoke about Joan Lenhard's 20-plus years of experience and stated that families with special needs kids should be grateful for her expertise. He presented her with the Hometown Hero Award.

Joan Lenard stated that her work has been a great experience and she has enjoyed all of her years of service to the City of Lansing.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Robinson announced the DAFT and Lansing-Eaton neighborhood meetings. She also announced the next 2nd Saturdays meeting and the "All of You Review" and the Children's Theater.

Councilmember Hewitt announced the Groesbeck neighborhood meeting. He thanked those who attended the recent 1st Contact meeting for residents of the 1st Ward and those who attended the Eastside Souper event. He spoke about the cancer awareness program being presented by St. Baldrick's.

Councilmember Wood announced the Eastside Neighborhood Organization meeting and spoke about the Eastside Souper event, as well as the Italian American Dinner.

Councilmember Dunbar announced the Bluebell Park and Beck Park neighborhood meetings. She spoke about church dinners available at Cristo Rey, Christ United Methodist Church and Mayflower Congregational Church. She announced the March Into Spring event at Fenner Nature Center.

Councilmember Kaltenbach expressed his disappointment that late items were not going to be considered to allow for the consideration

of the Notice of Intent to Issue Bonds for Capital Improvement Projects.

Councilmember Hewitt stated his concerns with the Notice of Intent to Issue Bonds for Capital Improvement Projects.

Councilmember Wood stated her concerns with the Notice of Intent to Issue Bonds for Capital Improvement Projects.

Councilmember Dunbar stated why she supports the Notice of Intent to Issue Bonds for Capital Improvement Projects.

City Clerk Swope spoke about the offices up for election this year and briefly stated the process to file. He stated that he received a protest petition for Z-8-2008 and that a two-thirds majority of the City Council would be needed to pass the Ordinance because of the petition.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero expressed his disappointment that late items were not going to be considered to allow for the Notice of Intent to Issue Bonds for Capital Improvement Projects to be voted upon this evening. He spoke about the city's upcoming road repair program. He spoke about several items on tonight's agenda, including SLU-6-2008 and Authorizing the Issuance of Bonds for Phase V, Segment1 of the CSO Program.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no public hearings.

Gene Townsend of 815 Bancroft Ct. spoke in support of Z-8-2008.

Stephanie Whitbeck of 620 W. Ionia St. spoke in opposition to Z-8-2009.

John Pollard of 1718 Blair St. spoke in opposition to Z-8-2008.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to Z-8-2008.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to Z-8-2008.

Stan Shuck of 818 Cooper Ave. spoke about city sidewalks.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bonnie Eastman of 1901 Vermont Ave. spoke about the Riverfront Apartments.

Howard Casey of 3203 N. East St. spoke about the city's inspection process.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Wendy Klein of 1017 W. Lapper St. spoke about 810 Bancroft Ct.

Walter Brown of 1310 Knollwood Ave. spoke about city surveillance cameras.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about city sidewalks.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Carl Calille of 306 Harriet Ave. spoke about the North Capitol Parking Ramp.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Stephanie Whitbeck of 620 W. Ionia St. spoke in opposition to Z-8-2009.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Willie Hobbs of 5017 Conners Ave. spoke about various city matters.

Kitty Lipsky of 1136 W. Washtenaw St. spoke about the city seal.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-048

BY COUNCILMEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the mission of the Bethel Seventh-day Adventist Church is to serve and nurture their neighbors and share Christ's love while teaching and living by biblical principles; and

WHEREAS, the Seventh-day Adventist Church was born out of the Millerite movement of the 1840's when thousands of Christians searched for greater understanding of biblical prophecy; and

WHEREAS, among these believers was a group from New England that rediscovered the Seventh-day Sabbath. They chose the name "Seventh-day" because it refers to the biblical Sabbath, Saturday, ordained by God at Creation; "Adventist" means we are looking for the return of Jesus Christ; and

WHEREAS, the Seventh-day Adventist Church is one of the fastest growing Christian Protestant churches; 14 million baptized Seventh-day Adventist members live in 204 countries of the world, including 1 million in North America; and

WHEREAS, Family and Friends Day is a semi-annual celebration of the Bethel Seventh-day Adventist Church under the leadership of Pastor Darnell Parham; and

WHEREAS, we commend the Sabbath School, Personal Ministries, and the Public Affairs and Religious Liberty and their leaders Elder Gerard Mauze, Elder Elodia Jones, and Edward Woods III for their vision and efforts in the establishment of Family and Friends Day; and

WHEREAS, we pay tribute to this year's theme "Delivering Religious Freedom Around the World";

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, proclaims this day, Saturday, March 7, 2009 "Family and Friends Day" and congratulates the Bethel Seventh-day Adventist Church on their celebration and for their contributions to our community.

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-049

BY THE COMMITTEE OF DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-6-2008
2312 E. Michigan Avenue
Church in the "F-1" Commercial District

WHEREAS, the applicant, Barefoot Christian Church, has requested a Special Land Use permit (SLU-6-08) to utilize the building at 2312 E. Michigan Avenue for a church; and

WHEREAS, the property is zoned "F-1" Commercial District where churches are permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on November 5, 2008, at which time the applicant spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its December 2, 2008 meeting, voted unanimously (6-0) to recommend approval of SLU-6-08 to permit a church at 2312 E. Michigan Avenue, with certain conditions; and

WHEREAS, the City Council held a public hearing regarding SLU-6-08 on February 23, 2009; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-6-08, for a church at 2312 E. Michigan Avenue in the "F-1" Commercial District with the following conditions:

1. The seating capacity be determined by the number of legal parking spaces that can be accommodated on the site, or within 300 feet of the site until such time as the parking requirement may be changed as a result of a Zoning Ordinance amendment (Overlay District), and
2. The applicant agrees to not object to the issuance of liquor licenses in the area.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this

resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with three conditions, the City Council determines the following:

1. The proposed church is compatible with the essential character of the surrounding area, as designed.
2. The proposed church will not change the essential character of the surrounding area.
3. The proposed church will not interfere with the general enjoyment of adjacent properties.
4. The proposed church will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed church will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed church can be adequately served by essential public facilities and services.
7. The proposed church will not place any demands on public services and facilities in excess of current capacities.
8. The proposed church is consistent with the intent and purposes of the Zoning Code and in conformance with the master plan.
9. The proposed church will comply with the requirements of the "F-1" Commercial District.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-050

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ingham County Board of Commissioners authorized participation of Ingham County with the City of Lansing in a joint City/County Community Corrections Advisory Board through Resolution 90-51; and

WHEREAS, the make-up of the Community Corrections Advisory Board must represent various criminal justice and community interests as specified in Public Act 511; and

WHEREAS, the business community and general public representative positions are currently vacant; and

WHEREAS, Thomas Halsted, 404 Mill Street, Leslie, 49251 was appointed to the Community Corrections Advisory Board as the adult probation representative; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council confirms the Ingham County Board of Commissioners' appointment of Thomas Halsted to serve on the Community Corrections Advisory Board as the adult probation representative to a term expiring September 17, 2009.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-051

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ingham County Board of Commissioners authorized participation of Ingham County with the City of Lansing in a joint City/County Community Corrections Advisory Board through Resolution 90-51; and

WHEREAS, the make-up of the Community Corrections Advisory Board must represent various criminal justice and community interests as specified in Public Act 511; and

WHEREAS, the business community and general public representative positions are currently vacant; and

WHEREAS, Neal Johnson, 819 Charrington Court, Mason, 48854 was appointed to the Community Corrections Advisory Board as the business community representative; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council confirms the Ingham County Board of Commissioners' appointment of Neal Johnson to serve on the Community Corrections Advisory Board as the business community representative to a term expiring September 17, 2010.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-052

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ingham County Board of Commissioners authorized participation of Ingham County with the City of Lansing in a joint City/County Community Corrections Advisory Board through Resolution 90-51; and

WHEREAS, the make-up of the Community Corrections Advisory Board must represent various criminal justice and community interests as specified in Public Act 511; and

WHEREAS, the business community and general public representative positions are currently vacant; and

WHEREAS, Monica Jahner, 6752 Bickett, Lansing, 48911 was appointed to the Community Corrections Advisory Board as the general public representative; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lansing City Council confirms the Ingham County Board of Commissioners' appointment of Monica Jahner to serve on the Community Corrections Advisory Board as the general public representative to a term expiring September 17, 2011.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-053

BY THE PUBLIC SERVICE COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
PUBLIC IMPROVEMENT I/II

WHEREAS, the Mayor and City Council of the City of Lansing have established the need for construction of a public sidewalk in the following described districts:

Properties Benefited:

- 1) Along the south side of N. Grand River Avenue from Waverly Road to Delta River Drive
- 2) Along the north side of N. Grand River Avenue from Capitol City Blvd. to Remy Drive
- 3) Along the south side of N. Grand River Avenue from Culver Avenue to W. North Street

WHEREAS, this resolution re-establishes the need for sidewalk along Grand River Avenue between Waverly Road and Delta River Drive as

determined in Resolution #370, passed by City Council on July 21, 2003; and

WHEREAS, Peckham Industries has relocated to their new facilities on Grand River Avenue at Capital City Boulevard and installed public sidewalk along Grand River Avenue; and

WHEREAS, this project will provide sidewalks to complete a network along Grand River Avenue on the north side from Capital City Boulevard east to Martin Luther King Jr. Blvd., and along the entire length of Grand River Avenue on the south side from Waverly Road to the east; and

WHEREAS, the proposed sidewalk locations in the project are listed as Priority 1 gaps on the Major Street Sidewalk Network Completion Study; and

WHEREAS, the City Council has determined that this proposed public improvement will benefit especially the properties in the vicinity of the work to be done and that a benefit district pursuant to Chapter 1026 of the Lansing Codified Ordinances should be established to be specially assessed for the public improvement; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, determines it to be a public necessity to construct the following public improvements; **new sidewalk along N. Grand River Avenue**, excepting all public streets and alleys and other land not benefited; and

BE IT FURTHER RESOLVED that the cost of these improvements will be partially financed by special assessments to the benefited property owners, and the City's public share of the project costs shall be paid from **FY 09 Act 51 New Sidewalk** funds; and

BE IT FINALLY RESOLVED that the Department of Public Service, is hereby authorized to prepare necessary plans and specifications for these improvements, obtain the necessary easements for construction, and to determine the cost of said project, based upon the bids to be received, to establish the special assessment district and the applicable assessments to the properties in the district, and to furnish said information to the Mayor and City Council.

By Councilmember Dunbar

Motion Carried

RESOLUTION #2009-054

**City of Lansing
Counties of Ingham and Eaton, State of Michigan**

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF A
COMBINED SEWER OVERFLOW
LIMITED TAX GENERAL OBLIGATION BOND
(PHASE V, SEGMENT 1), SERIES 2009

A RESOLUTION TO PROVIDE FOR:

- Issuance of up to \$27,000,000 of combined sewer overflow bonds to finance combined sewer separation improvements;
- Approval of issuance parameters and bond form;
- Payment of bonds from lawfully available funds including revenues derived from the operation of the City's sewage disposal system;
- Pledge of limited tax full faith and credit for payment of the bonds if other revenues insufficient;
- Creation of funds for deposit of bond proceeds and payment of bonds; and
- Authorization of sale of bonds to Michigan Municipal Bond Authority.

PREAMBLE:

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to develop a final Combined Sewer Overflow Control Program (the "CSO Control Program") to be submitted to the State of Michigan acting through its Department of Natural Resources (subsequently restructured and renamed the Department of Environmental Quality and collectively hereafter referred to as the "DEQ") for approval; and

WHEREAS, by a letter dated March 9, 1992 to the City Clerk, DEQ, acting through its Supervisor of the Surface Water Quality Division, has approved the CSO Control Program submitted by the City in compliance with the NPDES Permit; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Part 43 of Act 451, Public Acts of Michigan 1994 ("Act 451") enables a city to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council has stated its intention to authorize the issuance of limited tax general obligation bonds in one or more series pursuant to Act 451 in an amount not to exceed Twenty Seven Million and 00/100 Dollars (\$27,000,000) for the purpose of financing the sewer improvements associated with Subareas 15 North, 34B and the 2009 Downtown Project improvements and necessary wastewater treatment plant improvements (the "Improvements"), included in Phase V, Segment 1 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit; and

WHEREAS, plans and specifications for the Improvements have been prepared by the City's consulting engineers and submitted for approval by the DEQ; and

WHEREAS, the City Council previously approved a Notice of Intent to Issue Bonds for Public Service Department Combined Sewer Overflow Project Resolution (the "Notice"), which, in compliance with the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), required the City Clerk to cause to be published, on Wednesday, December 3, 2008, in City Pulse, a newspaper of general circulation within the City, an official notice to electors and taxpayers of the City of Lansing of intent to issue bonds (the "Notice of Intent") which describes the bonds to be issued to finance construction of the Improvements; and

WHEREAS, Act 34 of the Public Acts of Michigan, 2001, as amended, permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an authorized officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. **The Improvements.** Pursuant to the CSO Control Program approved by DEQ in accordance with the NPDES Permit, the City shall acquire and construct the Improvements. The estimated period of usefulness of the Improvements is not less than forty (40) years.

2. **Authorized Officers.** The term "Authorized Officer" as used in this Resolution shall refer to any one of the following city officers: the Finance Director, the Chief of Staff, the Director of Public Service, the Mayor, or the City Clerk.

3. **Authorization of Bond Issuance.** A bond of the City designated "Combined Sewer Overflow Limited Tax General Obligation Bond (Phase V, Segment 1) Series 2009" (the "Bond"), with such changes in name as may be deemed appropriate by an Authorized Officer so long as such changes are not misleading, is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including costs incidental to the issuance, sale and delivery of the Bond. In the event the Bond is to be issued simultaneously with another bond being issued to the Authority for similar improvements under the CSO Control Program, each Authorized Officer is authorized to have prepared a single bond and related documentation evidencing the obligation approved under this resolution and any other similar resolution of the City Council, in an aggregate maximum principal amount not to exceed the maximum principal amount authorized under this resolution and such other resolution of the City Council.

4. **Bond Details.** The Bond shall be issued in the aggregate principal sum not to exceed Twenty Seven Million and 00/100 Dollars (\$27,000,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DEQ and the Michigan Municipal Bond Authority (the "Authority"), pursuant to the Notice of Intent.

The Bond shall be issued in substantially the form of Appendix A, with such modifications as may be necessary to reflect changes in Bond terms or details determined by an Authorized Officer at or prior to the time of sale pursuant to authority granted by this Resolution. The Authorized Officer shall have the authority to make such changes in the form of Bond as shall be requested by the Authority, deemed reasonable by an Authorized Officer and not in conflict with the law or provisions of this Resolution. The Bond shall be in the form of a single fully-registered, nonconvertible, non-chargeable Bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, or such other date as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

The Bond shall be payable in serial principal installments on October 1 of each year beginning October 1, 2010, or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority. The schedule of serial principal installments shall be determined by an Authorized Officer at the time of sale of the Bond and approved by DEQ and the Authority. Interest on the Bond will be payable as provided under Section 5, on April 1, 2009, and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, or on such other dates as determined by an Authorized Officer at the time of the sale of the Bond and approved by the DEQ and the Authority.

The Bond or serial principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

Final determination of certain Bond details, including the Principal Amount and the dates and amounts of principal installments, shall be evidenced by execution of the purchase contract to be executed between the City and the Authority as described below.

5. **Sale of Bond, Calculation of Repayment Obligations.** The City shall sell the Bond to the Authority at par value and at an interest rate of not to exceed two and one-half percent (2.50%) per annum. The Bond shall be delivered in accordance with the delivery instructions of the Authority.

Proceeds of the sale of the Bond shall not be received in one lump sum. Rather, the Authority shall purchase principal installments of the

Bond (the "Purchased Principal Installments") from the Authority as such purchases are approved by the DEQ. These Purchased Principal Installments shall be deemed to correspond to the serial principal installments contained in the Bond in direct chronological order of said serial principal installments. The City shall have no obligation to repay any serial principal installments for which the City did not receive proceeds from corresponding Purchased Principal Installments of at least a like amount.

Interest on the Bond shall only accrue on the purchased installments, and shall accrue based on the amount of and purchase date of such installments. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding Purchased Principal Installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule acceptable to the City.

6. **Bond Register, Record of Payments.** The Bond shall be registered on the bond register maintained by the Finance Director. The Finance Director shall record on the bond register payment by the City of each installment of principal or interest or both when made and the canceled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

7. **Execution and Delivery.** The Bond shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or his designee.

8. **LTGO Nature of Bond.** The Bond is anticipated to be paid from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's sewage disposal system, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. The Bond shall be a limited tax general obligation of the City. As such, it shall be payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 2009, there shall be levied upon the tax rolls of the City in the manner required by law, an amount such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy.

9. **Debt Retirement Payments.** The Finance Director is authorized and directed to open a separate depository account with a bank or trust company to be designated CSO Debt Retirement Fund (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director is further authorized and directed to pay, or cause to be paid, from the Debt Retirement Fund or other available funds, all payments of principal, if any, and interest on the Bond to the Authority's depository, or in the event the Authority is no longer the owner of the Bond, to the owner of the Bond, in accordance with the requirements of the Bond. The Debt Retirement Fund may be pooled or combined with the other debt retirement funds for issues of bonds of like character as provided by the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended, or other state law.

10. **Construction Fund.** The proceeds of the Bond and the prior series of bonds issued by the City for the purposes of completing construction of the Improvements and no other moneys shall be deposited in a fund designated as the CSO Limited Tax General Obligation Bond Construction Fund (the "Construction Fund"). Said moneys shall be used solely for the purposes for which the Bond, and other bonds issued for the CSO Control Program, are issued. Any unexpended balance of the proceeds of the sale of the Bond remaining after completion of the Improvements herein authorized may be used at the discretion of the Director of Public Service or the Interim Director of Public Service for further Improvements included in the CSO Control Program required by the NPDES Permit. Any remaining balance after such expenditure shall be used for the prepayment of installments of the Bond or the purchase of installments of the Bond at not more than the fair market value thereof.

The appropriation of moneys for "eligible" (not to exceed the maximum Principal Amount of the Bond) and "ineligible" costs of the Improvements (as those terms are defined by the Authority and DEQ) is hereby approved. Said moneys shall be used solely for the purposes of making Improvements included in the CSO Control Program required by the NPDES Permit, and ancillary related expenses. After completion of the Improvements and disposition of remaining proceeds, if any, of the Bond pursuant to the provisions of this section, the Construction Fund may be closed.

11. **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed. In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the City.

In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the city against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

12. **Arbitrage and Tax Covenants.** The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

13. **Approval of Documents.** The proposed form of Purchase Contract between the City and the Authority (the "Purchase Contract"), the proposed form of Issuer's Certificate to be executed by the City (the "Issuer's Certificate") and the proposed form of Supplemental Agreement among the City, the Authority and the DEQ (the "Supplemental Agreement") on file with the City Clerk are hereby approved. The Authorized Officers are hereby jointly or severally authorized to execute and deliver the Purchase Contract, the Issuer's Certificate, and the Supplemental Agreement upon completion, in the forms approved hereby with such revisions as they may determine to

be necessary or desirable, permitted by law, and not materially adverse to the City.

14. **General Authority for Authorized Officers.** The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with requirements of the Authority and DEQ in connection with sale of the Bond to the Authority, including the administrative appropriation and transfer of funds related to the Bonds. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other certificates, documents, instruments, and other papers as may be required by the Authority or DEQ or as may be otherwise necessary or convenient to effect the delivery of the Bond as set forth above.

15. **Conflicting Resolutions.** All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

By Councilmember Robinson

Motion Carried

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan at a Regular meeting held on Monday, _____, 2009 at 7:00 o'clock p.m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

Chris Swope, City Clerk

APPENDIX A

FORM OF BOND

R-1

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON

CITY OF LANSING
COMBINED SEWER OVERFLOW LIMITED TAX
GENERAL OBLIGATION BOND
(Phase V, Segment 1), Series 2009

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____ Million _____ Hundred _____ Thousand and No/100 Dollars (\$ _____) (the "Principal Amount") or so much thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality. During the time funds are being drawn down by the City under this Bond, the Authority will periodically provide the City with a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided, that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this

Bond. The Principal Amount shall be payable on the dates and in the serial principal installment amounts set forth in Schedule A attached hereto and made a part hereof. Interest on the Bond shall accrue only on installments of the Principal Amount which have been purchased by the Authority, and shall accrue from the date each said installment is delivered to the City until repaid by the City at the rate of two and one-half percent (2.50%) per annum, payable on October 1, 2009, and semiannually thereafter. Principal is first payable October 1, 2011 and annually thereafter. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule which shall be presented to the City and be effective upon receipt as provided in the Purchase Contract.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, redemption premium, if any, and interest at The Bank of New York Trust Company, N.A., or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, and redemption premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise, in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserved amount established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

This Bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised. This Bond is issued under the provisions of Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Act 451, Public Acts of Michigan, 1994, as amended, and a resolution duly adopted by the City Council. This Bond is a limited tax general obligation of the City, payable as a first budget obligation from the general fund of the City, and other funds lawfully available to the City for this purpose, including revenues derived from

the operation of the City's sewage disposal system and, if necessary, from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations.

This Bond is subject to redemption by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This Bond shall be registered as to principal and interest on the books of the City kept by the Finance Director and may be transferred only upon surrender of this Bond by the registered owner of record in person, or by registered owner's attorney duly authorized in writing, to the Finance Director together with a written instrument of transfer satisfactory to the Finance Director duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor.

This Bond is payable out of the City's Debt Retirement Fund for this issue, and it is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this Bond exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this Bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of _____, 2009.

CITY OF LANSING

Counties of Ingham and Eaton
State of Michigan

By: _____
Virg Bernero
Its Mayor

(SEAL)

Countersigned

By: _____
Chris Swope
City Clerk

APPROVED AS TO FORM

City Attorney

SCHEDULE A

The following payment schedule indicates repayment by the City of Principal Amount due on this Bond. Repayment of the Principal Amount shall be made according to this schedule until the full Principal Amount disbursed to the City is repaid; provided, however, that the City shall have no obligation to repay any serial principal installment for which the City did not receive a disbursement of Principal Amount by the date such serial principal installment is due. In such an event, and in the event that less than the principal amount set forth below is disbursed by the Authority to the City, or in the event of prepayment of the Bond, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal

Amount of Serial

Installment
Due on October 1

Principal
Installment
\$

During the time funds are being drawn down by the City under this Bond, MMBA will periodically provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of MMBA to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

By Councilmember Dunbar

That the City Council resolve itself into the Committee of the Whole

Motion Carried

City Council resolved into the Committee of the Whole for consideration of legislative matters at 9:20 p.m.

The Committee held extensive discussion of a resolution regarding Notice of Intent to Issue Bonds for Capital Improvement Projects including a presentation by Public Service Director, Chad Gamble, and questions and discussion by several Councilmembers.

By Councilmember Dunbar

To reconsider the vote by which the resolution was not adopted by the Committee of the Whole

Motion carried

The question being motion to move the item from committee

Motion carried

By Councilmember Dunbar

That the committee shall rise

Motion carried

The Committee arose and President Quinney reconvened the City Council meeting at 10:30 p.m.

By Councilmember Dunbar

To suspend rule 11 to allow for the consideration of late items (6 votes)

Motion carried

The following item was added to the agenda:

RESOLUTION #2009-055
NOTICE OF INTENT TO ISSUE BONDS
FOR CITY CAPITAL IMPROVEMENT PROJECTS
City of Lansing
Counties of Ingham and Eaton, Michigan

WHEREAS, the City Council of the City has previously determined that it is appropriate for the City to proceed with certain improvements to its sanitary sewer system, its transportation system and related streetscape improvements (the "Project");

WHEREAS, the City Council of the City has determined that it is appropriate to issue capital improvement bonds pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") in one or more series at an estimated interest rate not to exceed seven percent (7%) and in an aggregate amount not to exceed \$20 million (the "Bonds") to pay for the costs of the Project, which Bonds will be payable from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit;

WHEREAS, Notice of Intent to Issue Bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended ("Act 279") and Act 34; and

WHEREAS, the City must appoint bond counsel for the issuance of the Bonds; and

WHEREAS, prior to issuance of each series of Bonds the City must (i) receive prior approval of the Bonds from the Michigan Department of Treasury (ii) be granted qualified status as provided in Act 34;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to cause a Notice of Intent to Issue Bonds to be published, on or before March 10, 2009, in the LANSING STATE JOURNAL, or other newspaper of general circulation in the City, as a display advertisement at least ¼ page in size.

2. Said Notice of Intent so published shall be in substantially the following form:

OFFICIAL NOTICE TO ELECTORS AND TAXPAYERS

OF THE CITY OF LANSING
OF INTENT TO ISSUE BONDS SECURED BY THE
TAXING
POWER OF THE CITY AND RIGHT OF REFERENDUM
THEREON

PLEASE TAKE NOTICE that the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, intends to authorize the issuance of Limited Tax General Obligations Bonds of the City in one or more series in an aggregate principal amount not to exceed \$ 20 million (the "Bonds") for the purpose of financing improvements to the City's road and sanitary sewer systems and related streetscape improvements (the "Improvements"). The Bonds will be issued pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001 ("Act 34"). The term of the Bonds shall not exceed 30 years and the Bonds shall bear interest at a rate not to exceed seven percent (7%) per annum, to be conclusively determined at the time of the sale of the Bonds.

SOURCE OF PAYMENT OF BONDS

The principal and interest of the Bonds shall be payable primarily from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. Ad valorem taxes may not be levied in excess of the City's charter tax rate limitation for this purpose.

RIGHT OF REFERENDUM

The Bonds will be issued without vote of the electors unless a PETITION requesting an election of the question of issuing the Bonds signed by not less than TEN PERCENT (10%) OF THE REGISTERED ELECTORS in the City is filed with the City Council by deposit with the City Clerk WITHIN FORTY-FIVE (45) DAYS after publication of this Notice. If such a petition is filed, the Bonds cannot be issued without an approving vote by a majority of electors voting on the question.

This Notice is given pursuant to the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended and Act 34. Further information concerning the matters set out in this Notice may be secured from the City Clerk's Office.

Chris Swope, City Clerk

3. The City Council hereby determines that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their right of referendum with respect to the Bonds.

4. In order to comply with Federal Treasury Regulation § 1.150-2, the City Council states that the City intends to reimburse expenditures for the Project with proceeds of the Bonds, including the Bonds described in this Resolution, by making the following declaration:

(A) The City reasonably expects to reimburse itself for the expenditures made to acquire the Projects with proceeds of debt to be incurred by the City.

(B) The maximum principal amount of debt expected to be issued for reimbursement purposes including bond issuance costs is \$_____, which may be issued in one or more series.

(C) A reimbursement allocation of the expenditures for the Project with the proceeds of the borrowing described here will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date of Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(D) This Resolution is adopted to indicate the intent of the City only, and does not bind the City to acquire and construct any Improvements or to issue any obligations of the City.

5. Either the Finance Director or the Public Service Director are authorized to request qualified status from the Michigan Department of Treasury and to pay the related fee, or to request the Michigan Department of Treasury to issue and order granting prior approval to issue Bonds, and to request any related waivers.

6. Dykema Gossett PLLC, of Lansing, Michigan, is appointed as Bond Counsel with respect to the Bonds described in this Resolution.

All Resolutions and parts of Resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

By Councilmember Dunbar

To Adopt this Resolution

Motion carried

RESOLUTION #2009-056

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLUTION SETTING A PUBLIC HEARING REGARDING THE
INTENT TO CREATE
THE MICHIGAN AVENUE CORRIDOR IMPROVEMENT
AUTHORITY

WHEREAS, the City of Lansing, in conjunction with the City of East Lansing and Charter Township of Lansing has prepared and forwarded a resolution of intent to create the Michigan Avenue Corridor Improvement Authority (the Authority) in accordance with the provisions of the Michigan Corridor Improvement Authority, Public Act 280 of 2005, as amended (the Act);

WHEREAS, the Michigan Avenue Corridor Improvement Authority Development Area, as defined in the Act (the "Proposed Development Area"), is comprised of eligible property within an area along Michigan Avenue bounded by an area of all commercial property, as defined by PA 206 of 1893, found within 500 feet north and 500 feet south of the centerline of Michigan Avenue, and from the eastern edge of the Pere Marquette Rail Line in the City of Lansing to the west to the Lansing City limit to the east, and specifically identified in Exhibit A;

WHEREAS, the District meets all of the requirements of section 5 of Public Act 280 of 2005, including:

1. The Proposed Development Area is adjacent to a road classified as an arterial or collector according to the Federal Highway Administration Manual "Highway Functional Classification — Concepts, Criteria and Procedures;" and
2. The Proposed Development Area contains at least ten (10) contiguous parcels or at least five (5) contiguous acres; and
3. More than half of the existing ground floor square footage in the Proposed Development Area is classified as commercial real property under Section 34c of the General Property Tax Act, Act 206 of 1893, as amended (MCL 211.34c); and
4. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire Proposed Development Area for the immediately preceding thirty (30) years.
5. The Proposed Development Area is presently served by municipal water and sewer; and
6. The Proposed Development Area is zoned to allow for mixed use that includes high density residential use and;

WHEREAS, in accordance with Act 280 the City would further agree to the following with respect to the Proposed Development Area:

1. To expedite the local permitting and inspection process in the Proposed Development Area; and
2. To modify its master plan to provide for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Proposed Development Area and;

WHEREAS, this resolution of intent to create the Authority that shall be issued to the governing boards of each municipality not less than 60 days prior to the adoption of the authority and its Corridor Improvement Plan,

WHEREAS, the Act requires that before creation of the Authority the Lansing City Council hold a public hearing in order to provide an opportunity for those living in and around the boundaries of the Authority, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the creation of the Authority.

WHEREAS at least one member of the delegation from the city of Lansing live within ½ mile of the corridor.

NOW, THEREFORE, BE IT RESOLVED that Council determines that it is necessary for the best interests of the City and the public to redevelop its commercial corridors and to promote economic growth; and

BE IT FURTHER RESOLVED that the City Council hereby declares its intent to work together with the City of East Lansing and the Charter Township of Lansing to create and provide for the operation of a corridor improvement authority as enabled by and pursuant to Act 280; and

BE IT FURTHER RESOLVED that Council hereby designates the boundaries of the Development Area as comprising parcels of real property identified in Exhibit A; and

BE IT FURTHER RESOLVED that the authority will be known as the "Michigan Avenue Corridor Improvement Authority."

BE IT FINALLY RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 6th day of April, 2009 at 7:00 p.m. for the purpose of receiving public comment on the establishment of the Michigan Avenue Corridor Improvement Authority as set forth in Public Act 280 of 2005 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 20 or more than 40 days prior to the date of the hearing. The clerk shall also mail, or cause to be mailed, not less than twenty (20) days before the public hearing, a notice of public hearing to taxpayers of record in the Proposed Development Area, to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved, and to the State Tax Commission. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed development area not less than 20 days before the hearing.

By Councilmember Hewitt

To place an affirmative roll on the Resolution

By Councilmember Hewitt

To insert the clause "WHEREAS at least one member of the delegation from the city of Lansing live within ½ mile of the corridor"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-057
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on March 4, 2009 and reviewed the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at the northeast corner of W. Ottawa Street and Sycamore Street from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial District.

The Committee recommends approval of the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at the northeast corner of W. Ottawa Street and Sycamore Street from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial District.

Signed: Brian Jeffries, Chairperson

Sandy Allen, Vice Chairperson

Derrick Quinney, Member

By Councilmember Jeffries

To receive this Committee Report

Motion Carried

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER JEFFRIES

That we move to the passage of Ordinances

BY COUNCILMEMBER JEFFRIES

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-8-2008 Part II; The northwest corner of W. Ottawa St. and N. Sycamore St., be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-8-2008 Part II; The northwest corner of W. Ottawa St. and N. Sycamore St., be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

NAY: None

ABSENT: None

ORDINANCE #2546

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-8-2008
Address: Northwest Corner of W. Ottawa Street & N. Sycamore Street
Parcel Number: PPN's: 33-01-01-16-155-072 & Part of 33-01-01-17-279-002
Legal Descriptions: The East 15 feet of Lot 2, Block 4, Claypool Subdivision and Lots 5 & 6, Block 90, Original Plat, City of Lansing, Ingham Co., MI, be rezoned from "DM-3" Residential and "D-1" Professional Office district to "F-1" Commercial district, with the following conditions, which shall run with the land and be binding upon the successor owners of the land:

1. Billboards, automobile sales, motor vehicle service stations, drivethrough businesses of any kind and stand-alone parking lots are prohibited,
2. Ancillary surface parking is limited to 21 spaces,
3. Front yard (street) setbacks maybe no less than the 20 foot front yard setbacks required in the adjoining "DM-1" Residential & "D-2" Residential/Office districts,
4. A minimum of 3000 square feet of retail space be provided on the ground floor of the building,
5. The sale of packaged liquor (not packaged beer and wine) is prohibited, and
6. Northbound turning movements onto Sycamore Street are prohibited once office uses exceed 1,500 square feet.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on, March 9, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;

COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the Mayor re:

i. Fiscal Year 2012 Local Bridge Program Funding

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE
INTERNAL AUDITOR

ii. Application for Industrial Facilities Tax Exemption
Certificate submitted by Bharat Forge America, Inc.
for property located at 2807 S. Martin Luther King,
Jr. Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND
PLANNING

iii. Transfer of Funds; State/Federal Programs, Office
of Highway Safety Planning/SCAO Sobriety Court
Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE
INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

a. Contract between the State of Michigan Department of
Transportation and the City of Lansing for:

PART A - STATE PARTICIPATION

Deck replacement work for the structure B02 of 33-06-27,
which carries Aurelius Road over the Red Cedar River,
Sections 22 and 23, T4N, R2W, City of Lansing, Ingham
County, Michigan; including railing replacement, pin and
hanger replacement, and partial painting of structure steel
work; and all together with necessary related work

PART B - NO STATE PARTICIPATION

Contractor staking and nameplate installation work for the
structure B02 of 33-06-27, which carries Aurelius Road over
the Red Cedar River; and all together with necessary related
work

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND
REFERRED TO THE PUBLIC SERVICE DEPARTMENT

b. Order of the Michigan Manufactured Housing Commission re:
Variance Request submitted by Dena Kostakos, Vice-
President of Riverview 110 Estates, L.L.C.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND
PLANNING

c. Letter from Comcast Cable providing notice of channel lineup
changes effective April 1 and April 2, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE
ADVISORY BOARD

d. Letter from Ronald Callen, Gary Calkins, Joseph E. Graves,
Jr. and Nancy Wonch submitting suggestions related to the

Board of Water and Light's proposed coal-fired plant

REFERRED TO THE COMMITTEE OF THE WHOLE

e. Letter of Resignation from the Human Relations and
Community Services Board submitted by Melissa Miller

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Hewitt addressed comments made by Mayor
Bernero regarding golf course appropriations.

Councilmember Kaltenbach addressed comments made by a
speaker tonight regarding the taping over of City Council meeting
video tapes.

Councilmember Dunbar spoke about the upcoming city budget.

Councilmember Jeffries stated that he received a call regarding Z-10-
08 and asked that the administration provide a follow-up on this
issue.

ADJOURNED TIME 11:10 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 16, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

Council President Quinney asked folks to keep Dick Lipscomb and Ernestine McMullen, who recently passed away, and former Councilmember Harold Leeman, who recently suffered a heart attack in their thoughts during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of March 9, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Jeffries; Letter from the Mayor re: Z-10-2008; a request filed by Harilaos and Stella Sorovigas to rezone the property located at 527 W. Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building at this location for a law office and title insurance company
2. From Councilmember Wood; Special Ceremony; Presentation; Remembering the life of Ernestine McMullen

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Presentation; Peckham Industries Appreciation

Mitch Tomlinson stated that Peckham Industries creates positive changes in the lives of those with disabilities. He spoke about their new facilities and how it will create new jobs for the city. He thanked Mayor Bernero for all of the city's support.

Mayor Bernero stated that Peckham Industries is a vital part of our community.

Mitch Tomlinson thanked Mayor Bernero, Bob Trezise of Lansing's Economic Development Corporation, Public Service Director Chad Gamble and Planning and Neighborhood Development Director Bob Johnson for all of their help. He presented each with a certificate. He stated that the new facilities will be open to the public on April 25, 2009. He thanked Jo Sinha for all of her work.

Jo Sinha stated that the City of Lansing has great departments with which to work.

Mayor Bernero appreciated the honor bestowed upon the city by Peckham Industries and accepted it on behalf of the city and all city departments. He thanked Mitch Tomlinson, his board and his staff.

Bob Johnson, Director of the Planning and Neighborhood Development Department, thanked Steve Swan and Roxanne Estelle for all of their hard work.

2. Presentation; Remembering the life of Ernestine McMullen

Melinda Crooks stated that Ernestine McMullen touched everyone in the City of Lansing in the last 44 years. She stated that she was a humanitarian and that no one should forget her. She asked that roses be brought to the funeral.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Allen announced the next Forestview Neighborhood meeting.

Councilmember Robinson announced the next Churchill Downs and Colonial Village neighborhood meetings.

Councilmember Wood announced the Historic Cemeteries work projects, the Lighthouse for Men fundraiser and the Exchange Club's child abuse awareness project of flag displays in Ferris Park April 23-26, 2009, which needs volunteers.

Councilmember Hewitt thanked the organizers and all participants in St. Baldrick's cancer awareness event. He announced the next Fabulous Acres, Foster Your Neighborhood and Gier Neighborhood Watch meetings. He stated that Juanita Chapman was in the hospital. He asked the administration about yard waste pick-up.

THIS ITEM WAS RETURNED TO THE COMMITTEE ON GENERAL SERVICES

Approval of a request from Jerome Abood to Transfer Ownership of 2008 Class C Licensed Business, located in Escrow at 3552 Meridian Crossing, Okemos, from Lite-R-Side, Inc. to API East of Eden, Inc.; Transfer Location to 205 S. Washington Sq.; and requests a new Dance-Entertainment Permit and new Official Permit (Dance-Entertainment) for weekdays (2:30 a.m. to 3:00 a.m.) and Sundays (7:00 a.m. to 3:00 a.m.)

By Councilmember Kaltenebach

To recommit this item

Motion Carried

Councilmember Dunbar announced several church dinners and Lenten dinner special events. She also announced the Maple Syrup Festival, Lansing Symphony Big Band event and a spaghetti dinner fundraiser for the Gardner Middle School band.

Councilmember Kaltenebach stated that the Capital Area Alumni Marching Band would perform in the sesquicentennial parade and that those who once participated in marching bands were welcome to join in the event.

Councilmember Hewitt stated that the Foster neighborhood meeting would not take place this week.

Councilmember Jeffries congratulated Councilmember Robinson on a successful 2nd Saturdays meeting for residents of the 3rd Ward.

Council President Quinney spoke about the lack of City Council meeting replays on television and stated that the broadcasts were available on demand on the internet.

City Clerk Swope spoke about the City of Lansing's participation in Michigan State University's Job Shadow Day and how he enjoyed working with Rachel Macauley, who was assigned to his office. He announced the Clinton-Eaton-Ingham Community Mental Health Annual Report to the Community breakfast event regarding its annual report. He stated that census workers would be checking addresses in the city and that information collected by or given to census workers is protected as confidential information.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about last week's Job Shadow day and the Michigan State University students who participated in shadowing Lansing officials. He stated that a new low-cost carrier was coming to the Capital City Airport. He spoke about the Indication of the City of Lansing's Commitment to purchase products and services made or performed in the United States. He stated that the Lansing Center was a finalist for best venue in the State of Michigan. He spoke about the fatal shooting in Hunter Park and he announced the next Mobile Food Pantry.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

William Hubbell of 3916 Wedgewood Dr. spoke in opposition to Changing the meeting time of the March 30, 2009 City Council meeting from 7:00 p.m. to 5:00 p.m.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to

Changing the meeting time of the March 30, 2009 City Council meeting from 7:00 p.m. to 5:00 p.m.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to Changing the meeting time of the March 30, 2009 City Council meeting from 7:00 p.m. to 5:00 p.m.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about the Notice of Intent to Bond.

Bonnie Eastman 1901 Vermont Ave. spoke about the Riverfront Apartments.

Bob Gray of 422 Dadson Dr. spoke about Edgewood Blvd. and city streets.

Marti Wheeler of 115 Kipling Blvd. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Willie Hobbs of 5017 Connors Ave. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-058

BY COUNCILMEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Paul Carrier is a long time Lansing resident and attended Wainwright Elementary, Dwight Rich Middle School, and Harry Hill High School; and

WHEREAS, for over three decades, Paul has been an active community leader and dedicated advocate for children; and

WHEREAS, as a member of the Lansing Park Board, he helped create the plan and secure the future site of the Southside Community Center; and

WHEREAS, Paul has worked tirelessly to improve the quality of life for the community, helping to deliver a quality Food Movers program, delivering baskets on holidays, protesting in front of drughouses, and leading campaigns to shovel sidewalks and rake leaves for seniors; and

WHEREAS, he is a member of the Diversity Day Committee, fought for the Human Rights Ordinance in 1996, a staunch supporter of the Human Rights Ordinance passed in 2006, and is a leading advocate

of opening public schools to Christian Organizations for after school programs over the last twenty years; and

WHEREAS, Paul's achievements are best seen through his work as a youth mentor and his dedication to providing youth services, including Hands On in Old Town, which provides art education for children, the HOPE Scholarship Program, and the Capital Area Speech & Debate League; and

WHEREAS, he was instrumental in launching the First Tee of Mid-Michigan, which will soon provide golf education to hundreds of Lansing youth and the expansion of Todd Martin Development Fund, designed to build self esteem and leadership abilities, and to reinforce positive values through the sport of tennis;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to express its sincere appreciation to Paul Carrier for his dedication to service within the community and congratulates him for being named Citizen of the Year at the 2009 Bea Christy Awards Ceremony. We wish you continued success in all your future endeavors!

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-059

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Robert Harris sought to eliminate a special assessment of \$65.00 on a second notice fee on a weeds violation and all associated penalties and interest on the property tax bill of 817 E. Willoughby Road, Lansing, Michigan, 48906; and

WHEREAS, the Committee on General Services met on Monday, March 9, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, grants the claim filed by Robert Harris on a special assessment of \$65.00 on a second notice fee on a weeds violation and all associated penalties and interest on the property tax bill of 817 E. Willoughby Road, Lansing, Michigan, 48906;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-060

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Nikolay Badalyan sought to eliminate special assessment of \$2,657.56 on various Board Ups, 2nd Notice Fee, and Tag Monitoring Fees and all associated penalties and interest on the property tax bill of 1021 E. Grand River Avenue, Lansing, Michigan ~~48823~~ 48906; and

WHEREAS, the Committee on General Services met on Monday, March 9, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by Nikolay Badalyan for special assessment of \$2,657.56 on various Board Ups, 2nd Notice Fee, and Tag Monitoring Fees and all associated penalties and interest on the property tax bill of 1021 E. Grand River Avenue, Lansing, Michigan ~~48823~~ 48906;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

To place an affirmative roll on the resolution

By Councilmember Wood

To strike both occurrences of "48823" and insert "48906"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

RESOLUTION #2009-061

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michael Lee sought to eliminate special assessment of \$452.19 on grass and weeds and all associated penalties and interest on the property tax bill of 3206 Jerree Street, Lansing, Michigan, 48911; and

WHEREAS, the Committee on General Services met on Monday, March 9, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Michael Lee of \$452.19 for special assessment on grass and weeds and all associated penalties and interest on the property tax bill of 3206 Jerree Street, Lansing, Michigan, 48911;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-062

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Josh Hovey of 1419 Victor, Lansing, Michigan 48910 to the Third Ward seat on the Traffic Board for a term to expire June 30, 2011.

WHEREAS, the Committee on Public Safety met on March 16, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Josh Hovey of 1419 Victor, Lansing, Michigan 48910 to the Third Ward seat on the Traffic Board for a term to expire June 30, 2011.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-063

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Peter Morman of 605 Westmoreland, Lansing, Michigan 48915 to a Fourth Ward position on the Traffic Board for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Safety met on March 16, 2009

and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Peter Morman of 605 Westmoreland, Lansing, Michigan 48915 to a Fourth Ward position on the Traffic Board for a term to expire June 30, 2012.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-064

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Vincent Pecora of 1107 Fairway, Lansing, Michigan 48912 to an At Large seat on the Traffic Board for a term to expire June 30, 2009.

WHEREAS, the Committee on Public Safety met on March 16, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Vincent Pecora of 1107 Fairway, Lansing, Michigan 48912 to an At Large seat on the Traffic Board for a term to expire June 30, 2009.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-065

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

211 Communications Fund (911)
County Reimbursement — Technical Equipment

\$8,700.00 from Ingham County Revenue
211.0.580001.0

\$8,700.00 to Technical Equipment Replacement
211.343230.977014.0

(To provide for replacement of the Communications Center "NetClock".)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-066

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states, immediately providing jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects, and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restore the economic vitality of our communities; and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should, to every extent possible, include a commitment from the City of Lansing and its residents to buy materials, goods, and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council encourages the City of Lansing and its residents to work to maximize the creation of City of Lansing, State of Michigan, and American jobs and restore economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep residents of the City of Lansing, the State of Michigan, and the United States of America employed;

BE IT FURTHER RESOLVED that we commit to purchasing only products and services that are made or performed in the City of Lansing, the State of Michigan, and the United States of America whenever and wherever possible with any economic recovery monies provided to the City of Lansing and its residents by the American taxpayers;

BE IT FINALLY RESOLVED that as legislators of the City of Lansing, we commit to publish any request to waive the aforementioned procurement priorities so as to give the City of Lansing, the State of Michigan, and the American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-067

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, City Clerk Chris Swope submitted a recommended list of dates for the Lansing City Council meetings for 2009 to the Lansing City Council; and

WHEREAS, the Lansing City Charter requires the City Council to meet weekly at least 50 weeks a year; and

WHEREAS, the Committee of the Whole met to review a process to conduct a hearing for liquor license nonrenewal or revocation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, approves the recommended change for the Lansing City Council meeting to be held on March 30, 2009 as follows:

March 30 - Monday at 5:00 p.m. due to Liquor License hearing

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-068

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

License Non-Renewal/Revocation

WHEREAS, the City has received a request for non-renewal or revocation; and

WHEREAS, in accordance with the Codified Ordinances of Lansing, Michigan, Section 830.07, before filing an objection to the issuance or renewal of a liquor license or requesting the revocation of an already existing license, with the State Liquor Control Commission, Council or its designated hearing officer shall hold a hearing on the matter and serve the license holder and any other person known to have a legal interest in such license, by first-class mail, posted not less than ten days prior to such hearing; and

WHEREAS, a request for non-renewal or revocation was placed in the City Clerk's Office on March 12, 2009;

NOW, THEREFORE, BE IT RESOLVED, that a Hearing be held on Monday, March 30, 2009, at 5:00 p.m. in the City Council Chambers, Tenth Floor, City Hall, 124 West Michigan Avenue, Lansing, Michigan, as provided in Chapter 830, Section 830.07 of the Codified Ordinances of Lansing, Michigan, to receive evidence from the parties, that they be given an opportunity to appear and be heard, and thereafter, to consider the non-renewal or revocation of the liquor license for the premises at 1115 S. Washington Avenue, Lansing, Michigan, commonly known as the Cadillac Club.

BE IT FURTHER RESOLVED, that for purposes of this Hearing, Council Rule 16 shall be, and hereby is, by virtue of the supermajority support for this resolution, suspended to allow the Hearing to be placed as the first item on the Agenda.

BE IT FURTHER RESOLVED, that public comment on the Hearing shall be taken in the normal course during Council's regular business meeting, which shall commence at 7:00 p.m. following recess from the Hearing.

BE IT FINALLY RESOLVED, that Council action on the Hearing shall take place in the normal course of the regular business meeting and under the Agenda for Council Consideration of Legislative Matters, following public comment on Legislative Matters and City Government Related Matters, which may include comment on the Hearing itself.

By Councilmember Robinson

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Councilmember Robinson

To place an affirmative roll on the substitute resolution

Motion Carried

RESOLUTION #2009-069

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Margaret Bossenbery of 2513 Arbor Forest, Lansing, Michigan 48910 to the vacant 2nd Ward position on the Board of Water and Light for a term to expire June 30, 2010.

WHEREAS, the Committee of the Whole met on Thursday, March 12, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Margaret Bossenbery of 2513 Arbor Forest, Lansing, Michigan 48910 to the 2nd Ward position on the Board of Water and Light for a term to expire June 30, 2010.

By Councilmember Robinson

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMEND CHAPTER 844, SECTIONS 844.01 THROUGH 844.19

By Councilmember Kaltenbach, Chair of the Committee on General Services

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on General Services

By Councilmember Kaltenbach

That:

An Ordinance of the City of Lansing to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction

was introduced by Councilmember Kaltenbach and read by its title

RESOLUTION #2009-070

RESOLUTION SETTING PUBLIC HEARING
By Councilmember Kaltenbach

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, March 23, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction.

Interested Persons are invited to attend this Public Hearing

By Councilmember Kaltenbach

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the placement on file of City of Lansing Action Plan for 2010

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Letter from the City Clerk providing notice to Bill Gordon of the Denial of an Application for a Show License in the City of Lansing by the Building Safety Department

RECEIVED AND PLACED ON FILE

- iii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. Sole Source Purchase; Public Service Department/Wastewater Division request for Kendall Electric, Inc. as the vendor for Rockwell Automation/Allen Bradley products for process control systems

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Transfer of Funds; State/Federal Programs, Help America Vote Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. SLU-4-2008; 5405 S. Martin Luther King, Jr. Blvd., Vertical Properties' request for construction of a 150 foot tall cell phone tower

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Request for Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the City of Lansing Public Service Department to allow construction in the extended hours from 8:00 p.m. to 10:00 p.m. Monday through Friday and from 8:00 a.m. to 10:00 p.m. on Saturdays effective July 5, 2009 to October 30, 2009 on Edgewood Blvd (between Washington Ave. and Martin Luther King Jr., Blvd.) for an estimated period of twenty (20) days during the above indicated dates depending on the paving schedule

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- v. Liquor License Non-Renewal/Revocation for the Cadillac Club located at 1115 S. Washington Ave.

REFERRED TO THE CITY COUNCIL

- vi. Z-10-2008; a request filed by Harilaos and Stella Sorovigas to rezone the property located at 527 W. Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building at this location for a law office and title insurance company

*SUSPENSION ITEM – REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:

- a. Letter from the Principal Shopping District recommending amendments to the Capitol Center District Sign Ordinance

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Letter from the Lansing Juneteenth Committee submitting Progressive Empowerment Education Resource Services' (P.E.E.R.S.) Community Funding Reporting Statement for its 2008 Juneteenth Celebration held June 19-21, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Application for Community Funding submitted by Progressive Empowerment Education Resource Services (P.E.E.R.S.) for its 2009 Lansing Juneteenth Celebration to be held June 19-20, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Letter from Marybeth McCreight, no address given, requesting a street sign at the east side of the intersection of Michigan Ave. and Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND REFERRED TO THE TRANSPORTATION DIVISION

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the next mobile food pantry and stated that the Public Service Department would begin yard waste pick-up on April 6, 2009 and those needing them picked up earlier should call the department.

Councilmember Wood asked Jerry Ambrose to contact Mr. Holbrook located at 6327 Grovenburg Rd. regarding issues related to a guard rail.

Councilmember Kaltenebach asked Jerry Ambrose to clarify yard waste pickup prior to April 6, 2009 and Jerry Ambrose stated that citizens should call the Public Service Department.

ADJOURNED TIME 8:54 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 23, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of March 16, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following item was added to the agenda:

1. From Councilmember Dunbar; Letter from the Mayor re: Fiscal Year 2010 Executive Budget Recommendation

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Presentation; Recognition of the 2009 Bea Christy Award Nominees

Vice President Robinson stated that she appreciates all that the nominees do for our communities.

Mayor Bernero stated that he was humbled to recognize such outstanding neighborhood leaders and congratulated them on their exemplary performances.

State Rep. Joan Bauer presented the nominees with resolutions signed by herself, State Sen. Gretchen Whitmer and Governor Granholm. She thanked the nominees and all of the more than sixty neighborhood groups for getting Lansing through these tough economic times.

Council President Quinney stated that it was a pleasure to recognize the following nominees: Robert "Rock" Hudson, Northtown Neighborhood Association; Ken Peterson, South Lansing Manufactured Homeowners Association; Kathleen Prevorse, Genesee Neighborhood Association; Andy Linderman, Eastside Neighborhood Organization; Anita Beavers, Colonial Village Neighborhood Association; and Paul Carrier, Churchill Downs Neighborhood.

Bea Christy Award winner Paul Carrier thanked the Lansing School District for all they do to help our neighborhoods. He asked that all Lansing residents get involved in their neighborhood organizations, because it takes a team to get things done.

2. Presentation; Mayor's Hometown Hero Award to Deborah Henneman and David Jackson

Mayor Bernero spoke about Deborah Henneman and David Jackson coming to the rescue of their neighbor Crystal Day who was being attacked by her child's father. He thanked them for intervening in this dangerous situation.

David Jackson thanked the Lansing Police Department for their efforts.

Deborah Henneman stated that she would do it all again if presented with such a situation in the future.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Wood announced upcoming Combined Sewer Overflow (CSO) meetings, the Moores Park neighborhood meeting and the Westside Neighborhood Spring Festival and Silent Auction.

Vice President Robinson thanked Pastor Edward Thomas for a prayer vigil.

Councilmember Dunbar announced the Tuesday Toolmen program.

City Clerk Swope stated that census workers would be checking addresses in the city and that information collected by or given to census workers is protected as confidential information.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero read the following Fiscal Year 2010 Budget Address:

As we head into this year's budget process, I believe it is important for us to recognize first and foremost the difficult economic conditions that face our community and our residents.

In the year ahead we will all continue to be challenged on multiple fronts – home foreclosures, rising energy prices, job losses and an uncertain future for our automobile industry and related businesses.

Yet in every challenge there is opportunity, and we must capitalize on every possible chance to grow our economy and create new jobs for our residents.

Now is not the time to scale back our aggressive efforts to attract new job-creating investments.

Now is not the time to raise taxes on our residents.

And without knowing what the future holds, now is not the time to drain our financial reserves.

Instead, for the fourth year in a row under my Administration, we will continue to make the tough choices that are necessary to live within our means.

We will work harder, smarter and faster to deliver quality city services to our residents.

We will focus on the fundamentals – the basic core services that our citizens expect.

We will continue to pursue public-private partnerships that allow us to multiply our limited resources and have a greater impact on our community.

And we will continue to seek cooperation and collaboration with our regional partners to provide essential public services, but in a more efficient way, and at a lower cost to our taxpayers.

My budget plan for the coming fiscal year is based on the same bedrock principles and priorities we have followed for the last 3 years:

- growing our economy to create jobs
- improving the quality of life in our neighborhoods
- strengthening public safety
- and rebuilding our city's infrastructure.

Growing our Economy to Create Jobs

In tough economic times we must work harder than ever to attract new companies and help existing companies grow.

Over the past 3 years we have had tremendous success in this regard, leveraging all of our assets to attract more than a half-BILLION dollars in new investment that promises to create 4,000 new jobs.

Already we can see the signs of progress at the Ottawa Street Power Station and the new State Police headquarters on our downtown riverfront, and at the site of the former Regent Inn on South Pennsylvania.

Improving Quality of Life in Neighborhoods

We are also making great strides in improving our neighborhoods.

Most of these efforts don't make the newspaper headlines.

Yet we are continually working to improve our housing stock, make our neighborhoods safer through Community Policing, and fixing roads and building new sidewalks in neighborhoods across the City.

In the year ahead, we will invest millions more in these efforts.

We will escalate our attack on substandard properties that create blight and attract crime in our neighborhoods, with the assistance of nearly \$6 million in federal Neighborhood Stabilization funds.

We will make improvements to parks across the City with our Parks Millage.

We will see a new urban village spring up along our downtown riverfront with the construction of the new City Market and \$3.2 million in Clean Michigan Initiative improvements to the river trail on both sides of the Grand.

And, we will open the new South Side Community Center at the Hill Academy to create even more recreational opportunities for people of all ages on Lansing's south side.

Strengthening Public Safety

For the fourth year in a row, not a single sworn police officer and not a single firefighter will be laid off from their duties protecting our neighborhoods and businesses.

In fact, since I took office, we have added five new police officers. Four of those new officers are on the beat in neighborhoods across Lansing.

We also added a new Neighborhood Watch Officer to help strengthen our city-wide network of neighbors working hand-in-hand to keep our streets safe.

In the year ahead, with the assistance of federal stimulus dollars, we will seek to add two more Community Police Officers, bringing community policing to its highest level in many years.

In the year ahead, with the help of additional federal funds, we will invest even more in equipping our officers with the latest tools and technology.

Rebuilding Infrastructure

Everyone who drives on our local roads knows they are in terrible shape.

After decades of underinvestment in our City's infrastructure, and after two of the most severe winters in recent memory, we definitely have our work cut out for us.

During the upcoming construction season, we will invest a record 16.5 million dollars in road repairs.

More than \$2 million of this amount will come from the federal Recovery Act.

Another \$3 million will be devoted exclusively to emergency repairs on neighborhood streets that are in the worst condition across the City of Lansing.

Combined with the road repairs planned by the State of Michigan, nearly 40 miles of major roads and local streets within the City limits will be repaired.

We will not be able to fix every bad stretch of road this year, but I can assure you that we will make progress, and we will keep working until the job is done.

Now for a brief review of the key numbers:

The total budget I am proposing for the coming fiscal year is 197.3 million dollars.

Of that amount, \$117.3 million is the proposed General Fund

budget.

In comparison to this year, my proposed total budget is \$2.4 million or 1.2% less, including capital expenditures.

My proposed General Fund budget, which provides the majority of operational expenses for city services, is \$3.6 million or 3.1% greater than this year.

The budget is larger than last year because our cost of doing business continually increases.

As in years past, much of the increase is driven by the rising cost of employee compensation, including health care and pensions.

Yet our revenues in the year ahead are expected to be relatively flat. The gap between revenues and anticipated expenditures this year is estimated at 5.5 million dollars.

With expenses going up faster than revenues, once again we are faced with a structural deficit.

The good news is that it is the smallest deficit we have faced since I took office, when the deficit I inherited was more than 11 million dollars.

Through sound financial management and by making the tough decisions necessary to live within our means, we have cut that number in half.

We will close that 5.5 million dollar gap with a combination of spending cuts, increased revenues and the elimination of 40 vacant positions.

These are not positions that have people in them – they are vacant positions that we will no longer have on the City's organizational chart.

As to revenues, as most people are aware, the City budget is funded through property taxes, income taxes, shared revenues from the state, and a variety of fees and administrative service charges.

In my proposed budget, property tax revenues are projected to decrease by less than 1%, even though the General Fund will increase by 3.4%.

Income tax revenues will increase by slightly more than 2% and state shared revenues are projected to stay about the same.

My budget proposal includes a small reduction in the City's total property tax millage rate and a ten percent reduction in the City recycling fee.

In addition, we will delay the implementation of this year's sewer rate increase by 3 months.

Conclusion

My friends, tough times call for tough leaders. We cannot shrink from our obligation to make the tough choices that leadership demands.

For that reason we will not take the easy road by draining our reserves. We will not ask our residents for more and more money when they are already struggling to make ends meet.

We will not stray from the path of fiscal responsibility I have established over the last 3 years.

I look forward to working with you in the days and weeks ahead as we put our shoulders to the wheel and make the tough choices that will result in a balanced budget for the City of Lansing. Thank you.

Mayor Bernero spoke about several items on tonight's agenda including SLU-4-2008, Z-10-2008 and his letter requesting a Public Hearing on

the North Capitol Parking Ramp Buy/Sell Agreement.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Ordinance of the City of Lansing to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction

Councilmember Kaltenbach gave a brief overview of the Public Hearing.

Jessica Yorko of 815 Bancroft Ct. spoke about the proposed Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and assessment of costs against the property owner.

Scott Norris of 2401 Belaire Dr. spoke about the proposed snow removal Ordinance Amendment.

Martha Wheeler of 115 Kipling Blvd. spoke about the proposed snow removal Ordinance Amendment.

Loretta Stanaway of 546 Armstrong Rd. stated concerns with the proposed snow removal Ordinance Amendment.

Danielle Patrick of 6244 Daft St. spoke in support of erecting a double-sided privacy fence at the end of Daft Street.

Louis Sesti of 5232 Harris Rd., Williamston, gave suggestions related to the proposed snow removal Ordinance Amendment.

Harold King of 1563 N. High St. stated concerns with the proposed snow removal Ordinance Amendment.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. stated concerns with the proposed changes to the peddlers Ordinance.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to the proposed snow removal Ordinance Amendment.

John Pollard of 1718 Blair St. spoke in opposition to the proposed snow removal Ordinance Amendment.

Stan Shuck of 818 Cooper Ave. spoke in opposition to the proposed snow removal Ordinance Amendment.

Councilmember Dunbar asked Brian Love of the Public Service Department to provide additional information regarding the proposed snow removal ordinance amendment. Mr. Love explained the reasons behind the proposed snow removal ordinance amendment.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Ordinance of the City of Lansing to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Loretta Stanaway of 546 Armstrong Rd. spoke about Mayor Bernero's proposed FY 2010 budget.

Bonnie Eastman of 1901 Vermont Ave. spoke about the Riverfront Apartments.

Bob Gray of 422 Dadson Dr. spoke about the CATA bus turn around on Edgewood Blvd.

Harold King of 1563 N. High St. spoke about various city matters.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Bryan Decker of 543 E. Edgewood Blvd. spoke about the Lansing Police Department.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about Mayor Bernero's proposed Fiscal Year 2010 budget and various city matters.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Duane Vernon of 4315 Wagon Wheel Ln. spoke about the City of Lansing's Sesquicentennial Parade.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-071

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ernestine McMullen has been instrumental in creating and maintaining a healthy community in Lansing for over 30 years; and

WHEREAS, Ms. McMullen began working for the Community Mental Health, confirming her dedication to helping displaced people with mental and drug related illnesses and advocating for the homeless population in Lansing; and

WHEREAS, in 1971, she began one of the first drug programs in Lansing to address the growing drug epidemic; and

WHEREAS, in 1978, Ms. McMullen successfully organized the first African American Festival on the Riverfront drawing in people from Detroit, Chicago, Grand Rapids, and Battle Creek; and

WHEREAS, she was vital to the establishment of what is now known as the Black Child and Family Institute, recognizing the needs of the African American family; and

WHEREAS, Ms. McMullen traveled to Washington D.C. to meet with the First Lady, Nancy Reagan to talk about the "Say No to Drugs" campaign.

Upon her return, she organized the first "Say No to Drugs" march in Lansing; and

WHEREAS, Ernestine was recognized for many of her achievements and some were highlighted in Certificates of Appreciation: "Endeavors to Bring about Good Relations in the Community", presented by the Pisces Club; the "Community Diagnostic Conference on Teenage Pregnancy/Parenting"; "Just Say No to Drugs", presented by Mayor Terry McKane; the "National Association of Negro Business and Professional Women's Club"; the "United States Marine Corp Toys for Tots"; the "NAACP"; and "Outstanding Community Service" recognition by the Lansing Community College Alumni Association; and

WHEREAS, Ms. McMullen's pioneering spirit and dedication to the community health have been captured in many of Lansing's programs and will be enjoyed by Lansing residents for many years to come.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, extends its deepest condolences to Ernestine McMullen's family; she will be dearly missed.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-072

**BY COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF
LANSING**

Act-23-08, 1401 and 1517 Georgetown, Acquisition of ROW for Edgewood Blvd. Reconstruction

WHEREAS, the City of Lansing Public Service Department proposes to acquire a 50' wide by 532' deep section of land across the south portion of 1517 and 1401 Georgetown Blvd. for additional right-of-way on the north side of Edgewood Blvd.; and

WHEREAS, these properties are occupied by the Woodbridge Commons Co-op and the Moore Nonprofit Housing Corporation, respectively; and

WHEREAS, Edgewood Blvd. in the vicinity of the subject property has settled due to poor soils comprised of peat and muck; and

WHEREAS, due to poor soil conditions in the area and the associated risk of settlement, this section of Edgewood is proposed for reconstruction with no underground utilities; and

WHEREAS, the additional ROW would provide room for the installation of an open ditch to transport stormwater that currently flows through an underground pipe; and

WHEREAS, no persons will be displaced as a result of the proposed property acquisition; and

WHEREAS, on January 24, 2009, the City Assessor estimated the true cash value of the property to be purchased as follows:

- 20,300 square feet to be purchased from the Woodbridge Commons Co-op, at a true cash value of \$4,526.90,
- 6,300 square feet to be purchased from Moore Nonprofit Housing Corp., at a true cash value of \$825.93; and

WHEREAS, due to their longtime use as residential properties, neither parcel is suspected to contain contamination and therefore the City waives environmental review; and

WHEREAS, on February 3, 2009, the Planning Board reviewed the

location, character, and extent of the proposal, and found that:

- The location of the property to be acquired is appropriate and necessary for providing open ditches as part of the Edgewood Blvd. reconstruction project.
- The additional land will allow the city to correct a problem that has resulted from poor soil conditions, and will have a positive impact on the character of the area,
- The property to be acquired is only of an extent necessary to accommodate the proposed improvements; and

WHEREAS, on February 3, 2009, the Board, voted unanimously (6-0) to recommend approval of Act-23-08, the acquisition of additional ROW to accommodate stormwater drainage; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-23-08, and the acquisition of the requested property for the additional Edgewood Blvd. ROW for the purpose of making drainage improvements within the subject ROW.

BE IT FURTHER RESOLVED, the Lansing City Council hereby approves entering purchase agreements for the purpose of the acquisition by warranty deed of:

- Parcel 1 - a 50' X 126' strip of land, legally described as: *The South 50 feet of the East 406 feet of the described parcel*, from Moore Nonprofit Housing Corp., for the sum of \$825.93, and
- Parcel 2 - a 50' X 406' strip of land, legally described as: *The south 50 feet of the West 126 of the described parcel*, from Woodbridge Commons, for the sum of \$4,526.90.

BE IT FINALLY RESOLVED, that the administration, on behalf of the City, is hereby authorized to sign and execute all documents to complete these transactions, subject to prior approval as to form and content by the City Attorney.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-073

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 13, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use, SLU-4-2008, 5405 S. ML King Blvd., Wireless Communication Tower in an "A" Residential District.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-074

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 13, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing, City Hall, 124 W. Michigan Avenue, Lansing, Michigan for the purpose of receiving citizen comments in consideration

of the proposed Consolidated Strategy and Plan Annual Action Plan submission to HUD for FY 2009-2010.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-075

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Daft Street Neighborhood has expressed ongoing concerns about criminal activity stemming from Traditions and Edgewood apartment complexes over a number of years; and

WHEREAS, over a number of years, continuing foot traffic has come over and through the existing fence separating Daft Street Neighborhood from Traditions and Edgewood; and

WHEREAS, the existing chain link fence has been dismantled or destroyed a number of times despite continuing efforts from the City of Lansing, Traditions, and Edgewood to maintain the fence; and

WHEREAS, the Committee on Development and Planning heard testimony from the Daft Street Neighborhood on March 18, 2009 about the need for a more permanent solution; and

WHEREAS, it is the desire of the Daft Street Neighborhood and the recommendation of the Committee on Development and Planning that a double-sided privacy fence be installed to provide a more permanent solution;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby encourages the Administration to install and maintain a double-sided privacy fence separating the Daft Street Neighborhood from the Traditions and Edgewood apartment complexes.

BE IT FINALLY RESOLVED, that the Administration is hereby requested to provide estimates of the costs to install and maintain such a fence, together with the account(s) in the FY 2008-2009 Budget from which such costs may be drawn, and to report back to the Committee on Development and Planning the results during the Committee's April 1, 2009 meeting.

By Councilmember Jeffries

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Councilmember Jeffries

To place an affirmative roll on the substitute resolution

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-076 REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES was held on March 16, 2009, and recommended passage of an ordinance amendment to Chapter 1020, Section 6, for removal of snow and ice by the City if the property owner fails to do so, and assessment of costs against the property owner, to expire July 30, 2011 unless re-enacted or extended.

The Committee recommends passage of an ordinance amendment to

Chapter 1020, Section 6, for removal of snow and ice by the City if the property owner fails to do so, and assessment of costs against the property owner, to expire July 30, 2011 unless re-enacted or extended.

Signed: Kathie Dunbar, Chairperson
Tim Kaltenbach, Vice Chairperson
Brian Jeffries, Member

By Councilmember Dunbar

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

By Councilmember Jeffries, Chair of the Committee on Development and Planning

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Development and Planning

By Councilmember Jeffries

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances for property located at:

Z-10-2008; 527 W. Hillsdale St. and the vacant property to its east, rezoning from "DM-4" Residential District to "D-1" Professional Office District

was introduced by Councilmember Jeffries, read by its title and referred to the Committee on Development and Planning.

RESOLUTION #2009-077

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 13, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-10-2008; 527 W. Hillsdale St. and the vacant property to its east, rezoning from "DM-4" Residential District to "D-1" Professional Office District

By Councilmember Jeffries

Motion Carried

INTRODUCTION OF ORDINANCE AMEND CHAPTER 1442, SECTION 1442.24

By Councilmember Jeffries, Chair of the Committee on Development and Planning

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Development and Planning

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing to Amend Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District

was introduced by Councilmember Jeffries and read by its title

RESOLUTION #2009-078

RESOLUTION SETTING PUBLIC HEARING
By Councilmember Jeffries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 13, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to Amend Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District.

Interested Persons are invited to attend this Public Hearing

By Councilmember Jeffries

Motion Carried

INTRODUCTION OF ORDINANCE AMEND CHAPTER 1442, SECTION 1442.02

By Councilmember Jeffries, Chair of the Committee on Development and Planning

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Development and Planning

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing to Amend Chapter 1442, Section 1442.02, of the Lansing Codified Ordinances by modifying adding and deleting certain definitions for signs

was introduced by Councilmember Jeffries and read by its title

RESOLUTION #2009-079

RESOLUTION SETTING PUBLIC HEARING
By Councilmember Jeffries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 13, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to Amend Chapter 1442, Section 1442.02, of the Lansing Codified Ordinances by modifying adding and deleting certain definitions for signs.

Interested Persons are invited to attend this Public Hearing

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

THIS ITEM WAS RETURNED TO THE COMMITTEE ON PUBLIC SERVICES

Adoption of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 1020, Section 6 of the Lansing Codified Ordinances by providing for removal of snow and ice by the City if the property owner fails to do so, and assessment of costs against the property owner

By Councilmember Dunbar

To recommit this item

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the placement on file of Reports from the Internal Auditor:
 - Report on Single Stream Recycling Programs

REFERRED TO THE COMMITTEE OF THE WHOLE

- Review of Waste Reduction Audit dated August 8, 2008

REFERRED TO THE COMMITTEE OF THE WHOLE

- Report on Fiscal Year 2007-2008 Audit Report General Fund Section

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- Parks Millage Fund Fiscal Year ending 2008

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- Capital Improvement Projects (410 Fund)

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Request for a Public Hearing on the North Capitol Parking Ramp Buy/Sell Agreement

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Fiscal Year 2010 Executive Budget

Recommendation

*SUSPENSION ITEM – REFERRED TO THE COMMITTEE OF THE WHOLE

- Communications and Petitions, and Other City Related Matters:
 - a. Resolution #09-068 from the Ingham County Board of Commissioners Authorizing the expansion of the Ingham County/City of Lansing Community Corrections Advisory Board to include two representatives from the general public

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- b. Letter from the Treasurer of Lansing Sesquicentennial Foundation, Timothy Adams, submitting its monthly report of expenditures for February 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- c. Letter from Comcast Cable regarding the NFL Network

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Jeffries stated that an update on the Groesbeck easement and the pre-burn Ordinance would be on the next Committee of the Whole agenda.

Councilmember Kaltenbach stated that the Sign Ordinance was really the work of Lansing State Journal writer Derek Melot, and requested his presence at the Public Hearing.

Councilmember Allen stated that the next Public Safety Committee would receive an update on the City's surveillance cameras.

Councilmember Wood spoke about the sign Ordinance being for the Capitol area district.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that those who missed the latest Mobile Food Pantry can call 2-1-1 for assistance with food. He also stated that the Mayor's Fiscal Year 2010 proposed budget was available on the City's website.

Councilmember Wood asked Jerry Ambrose when the City Council would receive the proposed budget details and he stated that he would let her know at the next Committee of the Whole meeting.

ADJOURNED TIME 9:49 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 30, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 5:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmembers Dunbar (arrived at 5:08 p.m.) and Robinson (arrived at 6:45 p.m.)

SPECIAL HEARING – CADILLAC CLUB LIQUOR LICENSE

Council President Quinney called to order a Special Hearing is to receive evidence from the parties regarding whether the City Council finds sufficient evidence to recommend that the Michigan Liquor Control Commission revoke or not renew the Liquor License of the Cadillac Club.

Councilmember Dunbar arrived at 5:08 p.m.

Assistant City Attorney Mark Leonard, representing the City of Lansing, gave an opening statement.

Attorney Charles Ford, representing the Cadillac Club and its owner David Sheets, gave an opening statement.

Mr. Leonard called Antonia Kraus, City Treasurer, as a witness; Council President Quinney swore her in as a witness. Ms. Kraus presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Officer Matthew Kreft of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Officer Kreft presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Officer Randal Hon of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Officer Hon presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Captain Ray Hall of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Captain Hall presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Councilmember Robinson arrived at 6:45 p.m.

By Councilmember Allen

That the Council recess the Special hearing for the purposes of taking Public Comment on Legislative Matters and Public Comment on City Government Related Matters.

Motion failed on the following Roll Call Vote:

Yeas: Councilmember Allen

Nays: Councilmembers Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, and Wood

By Councilmember Wood

That the Council continue with the Special Hearing; that following the Special Hearing, Council take Public Comment on Legislative Matters for only the Cadillac Club resolution; that only the Cadillac Club resolution be considered tonight; and that when the Council recess for the day, the Council shall reconvene for the remainder of the agenda items on Thursday, April 2, 2009 at 7:00 p.m.

Motion carried

Mr. Leonard called Karen Chadwick of the Lansing 9-1-1 as a witness; Council President Quinney swore her in as a witness. Ms. Chadwick presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Detective Christopher Devlin of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Detective Devlin presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard recalled Karen Chadwick of the Lansing 9-1-1 as a witness; Council President Quinney reminded her that she remained sworn in as a witness. Ms. Chadwick presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Officer Brandon Russell of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Officer Russell presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Sergeant Darryl Green of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Sergeant Green presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Sergeant Darrin Southworth of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Sergeant Southworth presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Sergeant Dave Emmons of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Sergeant Emmons presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard recalled Captain Ray Hall of the Lansing Police Department as a witness; Council President Quinney reminded him that he remained sworn in as a witness. Captain Hall presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Ford called Jessica Smith as a witness; Council President Quinney swore her in as a witness. Ms. Smith presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called David Cripe as a witness; Council President Quinney swore him in as a witness. Mr. Cripe presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Jaide Holz as a witness; Council President Quinney swore her in as a witness. Ms. Holz presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Dexter Mackey as a witness; Council President Quinney swore him in as a witness. Mr. Mackey presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Joe White as a witness; Council President Quinney swore him in as a witness. Mr. White presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Nate Conner as a witness; Council President Quinney swore him in as a witness. Mr. Conner presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called David Sheets as a witness; Council President Quinney swore him in as a witness. Mr. Sheets presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Leonard gave a closing statement on behalf of the City of Lansing.

Mr. Ford gave a closing statement on behalf of the Cadillac Club and David Sheets.

President Quinney closed the Special Hearing.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Jim Lyon of 1415 Park Ave. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Bob Gray of 422 Dadson Dr. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Harold King of 1563 N. High St. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Charlene Decker of 2711 Pleasant Gr. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

John Lenhard of PO Box 4280, East Lansing, spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Gerald DeJuliannie of 721 N. Capitol spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Ifield Joseph of 1333 Turner St. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Frank Lain of 2918 Sunderland Rd. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

By Councilmember Allen

That the Council Rules be suspended to allow those who have not signed in to speak.

Motion failed by the following roll call vote:

Yeas: Councilmembers Allen, Dunbar, and Kaltenbach

Nays: Councilmembers Hewitt, Jeffries, Quinney, Robinson, and Wood

By Councilmember Hewitt

That the Council proceed to the order of Public Comment on City Government Related Matters

Motion failed

FAILED

BY COUNCIL MEMBERS QUINNEY, ROBINSON, ALLEN,
DUNBAR,
JEFFRIES, HEWITT, KALTENBACH, AND WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

**License Non-Renewal/Revocation, David Sheets-Cadillac Club
1115 S. Washington Avenue, Lansing, Michigan 48910.**

WHEREAS, the City Council has received a request for non-renewal or revocation of a liquor license; and

WHEREAS, the aforementioned request for non-renewal or revocation was based upon objective criteria set out in Lansing Code of Codified Ordinances Section 830.06(f) and Section 830.06(i); and

WHEREAS, in accordance with the Codified Ordinances of Lansing, Michigan, Section 830.07, before filing an objection to the issuance or renewal of a liquor license or requesting the revocation of an already existing license with the Michigan Liquor Control Commission, the City Council, or its designated hearing officer, shall hold a hearing on the matter and serve the license holder and any other person known to have a legal interest in such license, by first-class mail, posted not less than ten days prior to such hearing; and

WHEREAS, on March 13, 2009 a Notice of Hearing, Copy of Complaint and Request for Action was mailed by First Class Mail to David W. Sheets, the licensee, informing him of the allegations, the day, date, and time of the Hearing on the allegations, and further informing David W. Sheets of his right to appear and present evidence and testimony and to confront witnesses; and

WHEREAS, on March 13, 2009, the licensee was also personally served with said Notice of Hearing; and

WHEREAS, on March 30, 2009 at 5:00 p.m. a Hearing was held at 124 W. Michigan Avenue, City Council Chambers, Tenth Floor, City Hall, Lansing, Michigan, pursuant to notice; and

WHEREAS, the licensee was provided notice and opportunity to be heard, to call witnesses on his behalf, and to cross-examine witnesses on the City's behalf during a Hearing on the record; and

WHEREAS, evidence was presented on the record regarding the allegations contained in the Complaint and Request for Action; to wit:

- a) On October 18, 2008 officers were dispatched to Cadillac Club reference a large fight. Approximately 200 patrons were exiting the building. The first responding officer requested priority back-up when he heard a gunshot and the crowd began to flee. Lansing Police Department performed emergency transport of gunshot victim who had suffered a life threatening gunshot wound to the chest. Subsequent interviews revealed that an argument began in the Cadillac Club. Cadillac Club security removed one individual from the building to the street. The perpetrator of

the crime then waited for the victim on the premises of the Cadillac Club and opened fire. Officers remained on scene until all clear.

- b) On July 27, 2008 officers were dispatched to the Cadillac Club reference felonious assault with a glass bottle. The subsequent investigation revealed that the victim suffered injury to her head and shoulder when assaulted inside the bar with a beverage bottle. The victim was transported to Sparrow Hospital for treatment.
- c) On July 13, 2008 officers were dispatched to the Cadillac Club reference a complaint of shots fired. Officers arrived to find 200 to 300 people milling around in the street. Officers interviewed several individuals in the crowd that confirmed hearing gunshots. None of the individuals were able to give more detailed information. No arrests were made regarding the unlawful discharge of a firearm. Further, investigation at the scene resulted in the discovery of one .45 caliber shell casing and two knives that had been discarded. It should be further noted that follow-up investigation revealed that a large number of people were loitering in the street and setting glass bottles in the street where they would be run over by passing vehicular traffic. Officers remained on scene until all clear.

On February 8, 2009 officers were dispatched to the Cadillac Club reference a complaint of Felonious Assault. Officers determined that the victim was assaulted in the Cadillac Club, at which time club security ejected the perpetrators of the assault. The individuals remained on the property of the Cadillac Club. The individuals accelerated and drove forward striking the victim. The victim was transported to the Ingham Regional Medical Center for treatment; and

WHEREAS, evidence was further presented on the record regarding the allegations contained in the Complaint and Request for Action are true; to wit:

- a) Allowed an intoxicated person to consume/loiter upon the licensed premise contrary to Section 707(4) of the Michigan Liquor Control Code, MCL 436.1707(4).
- b) Allowed fights or brawls on the licensed premises, contrary to Rule 436.1011(6)(c). January 24, 2009
- c) Furnish/sell or allow person under 21 to consume and/or possess alcohol on the licensed premises contrary to Rule 436.1009(1). July 5, 2008. November 14, 2008. January 24, 2009. February 15, 2009; and

WHEREAS, evidence was further presented on the record regarding the allegations contained in the Complaint and Request for Action; to wit:

- a) Fighting in Public call dispatched officers to Cadillac Club on July 19, 2008. Officers contacted several individual in the alley behind the Cadillac Club. Officers were not able to arrest for fighting. However, in the course of the investigation a quantity of marijuana was located. Arrest was made on bench warrant. The individual in possession of the drugs indicated he and his associates were smoking marijuana on Cadillac Club premises before entering the building. Defendant subsequently plead guilty on other charges.
- b) Fighting in Public, Hinder & Oppose, MIP. Officers were dispatched to Cadillac Club on August 3, 2008. Defendants subsequently plead guilty to Hindering and Opposing a Police Officer. Defendant required to attend alcohol abstinences counseling.
- c) Fighting in Public and MIP. On January 24, 2009 Lansing Police observed an individual fighting in front of the Cadillac Club. Officers arrested an underage female charged her with

Minor in Possession of Alcohol and Fighting in Public. The defendant pled guilty to both charges.

NOW, THEREFORE, BE IT RESOLVED, that, following the Hearing held on Monday, March 30, 2009, at 5:00 p.m. in the City Council Chambers, Tenth Floor, City Hall, 124 West Michigan Avenue, Lansing, Michigan, as provided in Chapter 830, Section 830.07 of the Codified Ordinances of Lansing, Michigan, the Lansing City Council finds that the evidence presented on the record supports the allegations contained in the Complaint and Request for Action.

BE IT FURTHER RESOLVED, that the City Council hereby finds that these allegations are together or separately sufficient grounds to request revocation or non-renewal.

BE IT FINALLY RESOLVED, that the City Council hereby requests that the Michigan Liquor Control Commission revoke or deny the renewal of the liquor license for the premises at 1115 S. Washington Avenue, Lansing, Michigan, commonly known as the Cadillac Club.

By Councilmember Robinson

Motion failed by the following Roll Call Vote

Yeas: Councilmembers Hewitt, Jeffries, Robinson, and Wood

Nays: Councilmembers Allen, Dunbar, Kaltenbach, and Quinney

The Council recessed until Thursday, April 2 at 7:00 p.m.

Council President Quinney called the meeting back to order at 7:00 p.m. on Thursday, April 2 and requested an attendance roll call by Clerk Swope.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, and Wood

ABSENT: Councilmember Dunbar

Councilmember Wood asked folks to keep Rudy Wilson, who recently underwent surgery, in their thoughts during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of March 23, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion failed by the following roll call vote:

Yeas: Councilmembers Allen, Kaltenbach, and Quinney

Nays: Councilmembers Hewitt, Jeffries, Robinson, and Wood

Absent: Councilmember Dunbar

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES• Special Ceremonies

1. Tribute and Mayoral Presentation; Recognition of Coach James Bibb's 80th Birthday and his contribution to the City of Lansing

City Clerk Swope read the following Resolution:

RESOLUTION #2009-080

BY COUNCIL PRESIDENT DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, James E. Bibbs has lived an extraordinary life, full of exciting opportunities and achievements, including being offered a contract with the New York Yankees and tying the 60 yard dash world record set in 1951 by Olympic four time gold medal winner Jesse Owens; and

WHEREAS, he is well known in the community for his integrity, honesty, and dedication to youth sports, both professionally and personally; and

WHEREAS, Coach James E. Bibbs has been involved in instructing and coaching Track and Field for nearly five decades on every level, including high school, collegiate, national, and international; and

WHEREAS, he has coached twenty-six All Americans, fifty-two Big Ten Champions, and founded the Detroit Track Club, winning five consecutive Women's national relay championships; and

WHEREAS, Coach Bibbs' deep commitment to youth and his passion for the sport has gained the respect and admiration of countless colleagues, athletes, parents, and friends nationwide. Under his tutelage, coaching, encouragement, and support many student athletes have been empowered to excel athletically and academically; and

WHEREAS, his numerous honors include being named the Amateur Athletic Union Women's Coach of the Year and being inducted into the Michigan Amateur Athlete Hall of Fame, Eastern Michigan and, most recently, into the Greater Lansing Sports Hall of Fame. He was selected as a torch bearer for the 2000 Winter Olympics; and

WHEREAS, in 2001, Ecorse High School dedicated their high school football stadium as the James E. Bibbs Stadium, and in 2003, Coach Bibbs received the Unsung Heroes Award and Omega Psi Phi Fraternity's Citizen of the Year award. The first annual James E. Bibbs Invitational Track Meet, sponsored by the Lightning Lynx Track Club, was held in 2006 to raise money for the Jim Bibbs scholarship; and

WHEREAS, Coach Bibbs retired as Head Coach of Michigan State University in 1995 and continues coaching as a volunteer at East Lansing High School. He also serves as a volunteer instructor of Health and Physical education at the Black Child and Family Institute;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes James E. Bibbs best wishes on his 80th birthday and congratulates him on his extraordinary achievements through his community involvement and as a role model and mentor to children, youth, and adults. We wish you continued success!

Council President Quinney stated that it was a pleasure and an honor to recognize a true champion and spoke of Mr. Bibb's many

accomplishments.

Mr. Bibbs thanked the Mayor and City Council for this honor and stated that he loves the Lansing community.

Jerry Ambrose, Executive Assistant to Mayor Bernero, read parts of the Mayor's proclamation.

Mr. Bibbs stated that he was truly blessed and once again thanked everyone.

2. Presentation; Recognition of Rank of Eagle Scout to Lansing Eagle Scout Troop 911

Councilmember Kaltenbach stated that only 2% of scouts nationwide reach the level of Eagle Scout and expressed pride in Lansing's Troop 911 having so many reach that level. He presented certificates to the scouts present.

Jeff Riffle thanked the City Council on behalf of Troop 911.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt thanked his colleagues for sticking it out for the duration of Monday's portion of the meeting. He announced the next 1st Contact meeting for residents of the 1st Ward.

Councilmember Kaltenbach stated that Louis Mangano had cataract surgery. He expressed his disappointment that late items were not considered to allow for a resolution setting a Public Hearing for the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Hewitt explained why he did not want to revisit the North Capitol Ramp issue.

Councilmember Allen asked Jerry Ambrose to check into issues related to trash barrels at the intersection of Fred St. and Joshua St.

Councilmember Wood stated that this past weekend she had the pleasure to read at Lewton Elementary School for Mrs. Hudson's 2nd grade class and other students. She announced the Community Resources Education and Assisting to Empower (CREATE) the City of Lansing event, which is in partnership with local unions, non-profit organizations, and businesses as an outreach event for Lansing citizens. She also announced Tri-County's Got Talent for Alcohol Awareness, a Minority Health Awareness Fair at Dino's Barber Studio and the Westside Spring Fiesta and Silent Auction. She explained why she voted against late items to not allow consideration of setting a public hearing on the Buy/Sell Agreement for the North Capitol Ramp. She requested information from the Administration concern the IBEW issue with fire hydrants at the next Committee of the Whole meeting.

Councilmember Allen spoke about school closings in the City of Lansing.

Councilmember Kaltenbach explained why he was so passionate about the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Robinson announced a skating party at Wexford School. She explained her reasons for not allowing late items to consider the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Jeffries explained his reasons for not allowing late items to consider the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Hewitt spoke about the North Capitol Ramp.

Councilmember Kaltenbach spoke about the North Capitol Ramp.

Council President Quinney announced CREATE Lansing event and thanked his colleagues for being sponsors. He explained why he wants to proceed with the Buy/Sell Agreement for the North Capitol Ramp.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

City Attorney Smith thanked the City Council, Police Officers, his staff and all of those who endured Monday's 12 hour special hearing.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked Councilmembers Allen, Kaltenbach and Quinney for trying to push the Buy/Sell Agreement for the North Capitol Ramp forward. He called it a win-win situation for the City of Lansing and Lansing Community College. He spoke about the Recycled Art Exhibit and Fashion Show event at City Hall. He announced the CREATE Lansing event, Feed the Children Spring Break and the next Diversity Day event. He mentioned that the city would issue vouchers to those who have been overcharged for parking in the city.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

Bob Gray of 422 Dadson Dr. spoke about the special hearing for the Cadillac Club.

William Hubbell of 3916 Wedgewood Dr. spoke about the proposed controlled burn of vegetation in and around Groesbeck Park.

Harold King of 1563 N. High St. spoke about the proposed controlled burn of vegetation in and around Groesbeck Park.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about spoke about the special hearing for the Cadillac Club.

Ingham County Drain Commissioner Pat Lindeman spoke in support of the proposed controlled burn of vegetation in and around Groesbeck Park.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bob Gray of 422 Dadson Dr. spoke about the CATA bus turn around on Edgewood Blvd.

Penny Gardner of 1035 Seymour Ave. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

Harold King of 1563 N. High St. spoke about various city matters.

Cindy Redman of 609 W. Shiawassee St. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

Chris Strugar-Fritsch of Lansing Community College spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Ray Kurtis of 509 N. Butler Blvd. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

Melody Tedoro-Curtis of 509 N. Butler Blvd. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

Steve Manchester of 514 Westmoreland Ave. spoke about the Buy/Sell Agreement for the North Capitol Ramp.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Mike Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Bonnie Eastman of 1901 Vermont Ave. spoke about the Riverfront Apartments.

Carl Calille of 306 Harriet St. spoke about the Buy/Sell Agreement for the North Capitol Ramp.

Gina Nelson of 605 W. Shiawassee St. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-081

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sam Brooks is a member of Boy Scout Troop 411, chartered to Christ United Methodist Church; and

WHEREAS, Sam completed a project that, with the backing of the American Red Cross, included organizing, advertising, and recruiting donors for a community blood drive, attracting 61 possible donors of which the Red Cross was able to accept 51 donors and successfully collecting 47 usable pints of blood; and

WHEREAS, among the 61 possible donors, Sam was able to provide the American Red Cross with the names of 28 first time donors, making it one of the best Saturday drives held, according to Steve Berger and the staff from the Red Cross; and

WHEREAS, Sam supervised over 15 youths and adults who spent a total of 78 hours completing the project as well as spending almost 34 hours planning the eight hour blood drive; and

WHEREAS, he attended Everett High School where he was on the Honor Roll for four years and graduated with Honors in June 2008 with a GPA over 3.2.

WHEREAS, Sam participated in swimming and football for four years earning a varsity letter each year. He was awarded the "Most Improved Swimmer" and "Most Valuable Swimmer" as well as the "Humor Award" for three years running. He was presented the "Davis West Memorial Award" for his portrayal of dedication, hard work,

bravery, and integrity on and off the field during his senior year in football; and

WHEREAS, he was an active member of Pack 401 from Cavanaugh Elementary School where he earned his "Arrow of Light Award" in 2001 and moved up to Troop 411 in the spring of 2001; and

WHEREAS, Sam demonstrated leadership and citizenship throughout his Scout years earning 21 merit badges before reaching his 18th birthday to achieve Eagle Rank; and

WHEREAS, in his letter to the Eagle Advancement Committee, he stated "I joined the Boy Scouts because I wanted to make a difference in my community and become a better person";

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, congratulate Sam Brooks for earning the "Eagle Scout Award," Scouting's highest achievement from the Boy Scouts of America. We wish you continued success in all your future endeavors!

By Councilmember Allen

Motion Carried

THIS ITEM WAS RETURNED TO COUNCILMEMBER WOOD
Tribute; Tri-County Awareness Committee and Kickoff to Alcohol Awareness Month

By Councilmember Wood

That this item be returned to her

Motion Carried

RESOLUTION #2009-082

**BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the City of Lansing Department of Public Service, in participation with the Michigan Department of Transportation (MDOT), will be resurfacing Edgewood Blvd. (between Washington Ave. and Martin Luther King Jr., Blvd.) in the summer 2009; and

WHEREAS, the project is listed in the approved Transportation Improvement Plan (TIP) for Federal Urban STP funding for 2009 construction; and

WHEREAS, the approximate 1.3 mile long project includes milling the existing asphalt surface and overlaying the road with an ultra-thin concrete overlay (white-topping) for which the technical specifications require pavement joints to be saw-cut every four feet in a square grid pattern within 16 hours of concrete placement; and

WHEREAS, the Michigan Concrete Paving Association has determined that for a routine workday saw-cutting operations often continue until late night on white-topping projects; and

WHEREAS, pursuant to Section 654.07(g) of the Lansing Code of Ordinances, construction is prohibited between the hours of 8:00 PM and 7:00 AM on weekdays or at any time on weekends or holidays except for emergency work or a temporary or special permit issued pursuant to Sections 654.10 or 654.11; and

WHEREAS, the Public Service Department is requesting a waiver of the noise ordinance to complete the work according to specifications; and

WHEREAS, the Public Service Department recommends allowing concrete placement and saw-cutting in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM on Saturdays, effective July 5, 2009 to October 30, 2009 (the anticipated construction period) with the following conditions:

- This waiver is requested only for an estimated period of twenty (20) days to occur during the above indicated dates depending on the paving schedule.
- Any work associated with this request will occur only once for each concrete placing and saw cutting operation in front of any one property.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on Monday, April 27, 2009 at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan Ave., in consideration of the request for issuance of a waiver of the noise ordinance to permit construction in the extended hours from 8:00 PM to 10:00 PM Monday through Friday and from 8:00 AM to 10:00 PM on Saturdays effective July 5, 2009 to October 30, 2009 on Edgewood Blvd (between Washington Ave. and Martin Luther King Jr., Blvd.) for an estimated period of twenty (20) days during the above indicated dates depending on the paving schedule.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-083

**BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, Claude Vaughn sought to eliminate Special Assessment of \$65.00 for a 2nd Notice Fee on trash and all associated penalties and interest on the property tax bill of 3714 Churchill Avenue, Lansing, Michigan, 48911; and

WHEREAS, the Committee on General Services met on Monday, March 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by Claude Vaughn for a 2nd Notice Fee of \$65.00 on trash and all associated penalties and interest on the property tax bill of 3714 Churchill Avenue, Lansing, Michigan, 48911;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-084

**BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, John Ray Pollock sought to eliminate Special Assessment of \$1,016.00 for trash and weeds and all associated penalties and interest on the property tax bill of 6129 Marscot, Lansing, Michigan, 48911; and

WHEREAS, the Committee on General Services met on Monday, March 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by John Ray Pollock of \$1,016.00 for trash and weeds and all associated penalties and interest on the property tax bill of 6129 Marscot, Lansing, Michigan, 48911;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

MARCH 30, 2009**COUNCIL PROCEEDINGS****79**

Motion Carried

RESOLUTION #2009-085

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Brian M. Singleton sought to eliminate Special Assessment of \$1,037.83 for a Board Up and all associated penalties and interest on the property tax bill of 4600 Pleasant Grove Road, Lansing, Michigan, 48910; and

WHEREAS, the Committee on General Services met on Monday, March 23, 2009 to review the claim,

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, grants the claim filed by Brian M. Singleton of \$1,037.83 for a Board Up and all associated penalties and interest on the property tax bill of 4600 Pleasant Grove, Lansing, Michigan, 48910;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kallenbach

That the resolution be adopted

By Councilmember Kallenbach

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Councilmember Kallenbach

To amend the resolution by striking both instances of "49201" and inserting "48910"

Motion Carried

The question being the motion to place an affirmative roll on the substitute resolution

Motion Carried

RESOLUTION #2009-086

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLUTION APPROVING APPLICATION FOR LOCAL BRIDGE PROGRAM
FROM MICHIGAN DEPARTMENT OF TRANSPORTATION

WHEREAS, according to the requirements of the Michigan Department of Transportation (MDOT) Local Bridge Program, the City of Lansing, Public Service Department would like to submit funding applications for FY 2012 for the following three structures:

Replacement

1) Aurelius Road over Pawlowski Drain (South)

Rehabilitation

2) Aurelius Road Bridge over Grand Trunk Railroad

3) Mt. Hope Ave Bridge over Sycamore Creek

WHEREAS, if successful, the City will receive State funding to finance 95% of construction costs, and the City will fund 5% of the construction

and 100% of the engineering costs; and

WHEREAS, based on the engineer's conceptual estimates, the estimated construction cost of the all structures will be approximately \$1,897,000; and

WHEREAS, 5% of the estimated construction cost of all structures will be approximately \$95,000 and the estimated engineering costs will be approximately \$474,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the submittal of funding application for the MDOT's Local Bridge Program for the following three structures:

Replacement

1) Aurelius Road over Pawlowski Drain (South)

Rehabilitation

2) Aurelius Road Bridge over Grand Trunk Railroad

3) Mt. Hope Ave Bridge over Sycamore Creek

BE IT FURTHER RESOLVED that upon notification of the grant being awarded, the Administration shall bring such grant back to the City Council for acceptance.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-087

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

State/Federal Programs
Sobriety Court OHSP

\$27,000.00 from Federal Revenue	273.0.527000.17009
\$18,200.00 to Temp Help	273.132201.707000.17009
\$300.00 to Miscellaneous Operating	273.132201.707000.17009
\$8,500.00 to Contractual Services	273.132201.707000.17009

(To provide for supplemental funding in Sobriety Court with grant resources from the US department of Transportation, Office of Highway Safety Planning (OHSP)).

By Councilmember Wood

Motion Carried

RESOLUTION #2009-088

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

State/Federal Programs
Help America Vote Act

\$9,362.00 from Federal Revenue	273.0.527000.0
\$9,362.00 to Miscellaneous Operating	273.172400.741000.17116

(To provide for improvement in accessibility to election polling places.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-089

BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee of the Whole received an update from Ingham County Drain Commissioner Pat Lindemann on March 26, 2009 in which he outlined the benefits of a proposed controlled burn of certain vegetation in and around Groesbeck Park; and

WHEREAS, these benefits include substantially decreased maintenance costs, and therefore assessments, as well as substantially increased growth of desirable indigenous flora; and

WHEREAS, the Drain Commissioner has determined that the controlled burn at Groesbeck Park be done by no later than mid-April 2009; and

WHEREAS, the proposed controlled burn requires approval by the City of Lansing Fire Chief; and

WHEREAS, the Drain Commissioner has committed to notifying the surrounding neighborhoods of the proposed controlled burn, including personal meetings with potentially affected organizations and leafletting of potentially affected residents; and

WHEREAS, this leafletting will include contact information for those with concerns about respiratory ailments; and

WHEREAS, controlled burns are deemed to be an ongoing concern to and interest of the City of Lansing;

NOW, THEREFORE, BE IT RESOLVED that the City Council encourages the Fire Chief's approval of the Drain Commissioner's proposed controlled burn of vegetation in and around Groesbeck Park.

BE IT FURTHER RESOLVED that the Committee on Intergovernmental Relations shall be the committee of jurisdiction for addressing controlled burns in the City of Lansing on an ongoing basis.

BE IT FINALLY RESOLVED that the Committee on Intergovernmental Relations shall explore appropriate mechanisms for securing regional consistency in dealing with controlled burns, including the possibility of the City entering into a Memorandum of Understanding with the Drain Commissioner and neighboring jurisdictions to consistently and correctly deal with controlled burning in Ingham County.

By Councilmember Robinson

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letter from the Mayor re:

- i. Motor Carrier Safety Ordinance Amendment

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- Communications and Petitions, and Other City Related Matters:

- a. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Kathy Devine, Chairperson for Case Cares located at 4316 S. Pennsylvania Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- b. Letter from Susan Kaltenbach of 12 E. Hannum Blvd., Saginaw, regarding parking meters in downtown Lansing

REFERRED TO THE TRANSPORTATION DIVISION

- c. Letter from Penny Gardner of 1035 Seymour Ave. in support of the Buy/Sell Agreement for the North Capitol Parking Ramp

RECEIVED AND PLACED ON FILE

- d. Letter from Brent Bulmer, no address given, regarding thefts near Lansing Community College

REFERRED TO THE POLICE DEPARTMENT AND REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Dunbar from tonight's proceedings

Motion Carried

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about CREATE Lansing and Feed the Children Spring Break event.

ADJOURNED TIME 9:19 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 6, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Kaltenbach, Quinney

ABSENT: Councilmembers Dunbar, Robinson, and Wood (Arrived at 7:02 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

Councilmember Wood arrived at the meeting at 7:02 p.m.

1. Tribute; Congratulating the Immaculate Heart of Mary Eagles Hockey Team on winning the Best Sportsmanship Award for 2009

City Clerk Swope read the following Resolution:

RESOLUTION #2009-090

BY COUNCILMEMBER TIM KALTENBACH
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing Parks & Recreation Department has awarded two Immaculate Heart of Mary Eagles floor hockey teams the Best Sportsmanship Award for the 2009 season; and

WHEREAS, the IHM Eagles are one of fifty-six teams participating in the Lansing Parks & Recreation youth sports leagues. This is the first year Lansing has rated teams on sportsmanship and granted awards to the teams that demonstrated the greatest sportsmanship; and

WHEREAS, over the course of six weeks, the players, the coaches, and the parents were rated on a scale of 1 to 5, with 5 being the highest score, on sportsmanlike behavior after each game by two officials and the scorekeeper;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wish to congratulate the Immaculate Heart of Mary Eagles Hockey Team on winning the Best Sportsmanship Award for 2009. We wish you continued success!

By Councilmember Kaltenbach

Motion Carried

Council President Quinney recognized the conduct of all of the award recipients.

A school representative thanked the City Council for this honor.

Councilmember Allen stated that she was a hockey lover and spoke about her niece who is a goalie in the Upper Peninsula.

A student stated that a good sportsman is someone who is good during sports.

2. Tribute; Recognition of Sam Brooks' achievement of the Rank of Eagle Scout

City Clerk Swope read the following resolution adopted on April 2, 2009:

RESOLUTION #2009-081

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sam Brooks is a member of Boy Scout Troop 411, chartered to Christ United Methodist Church; and

WHEREAS, Sam completed a project that, with the backing of the American Red Cross, included organizing, advertising, and recruiting donors for a community blood drive, attracting 61 possible donors of which the Red Cross was able to accept 51 donors and successfully collecting 47 usable pints of blood; and

WHEREAS, among the 61 possible donors, Sam was able to provide the American Red Cross with the names of 28 first time donors, making it one of the best Saturday drives held, according to Steve Berger and the staff from the Red Cross; and

WHEREAS, Sam supervised over 15 youths and adults who spent a total of 78 hours completing the project as well as spending almost 34 hours planning the eight hour blood drive; and

WHEREAS, he attended Everett High School where he was on the Honor Roll for four years and graduated with Honors in June 2008 with a GPA over 3.2.

WHEREAS, Sam participated in swimming and football for four years earning a varsity letter each year. He was awarded the "Most Improved Swimmer" and "Most Valuable Swimmer" as well as the "Humor Award" for three years running. He was presented the "Davis West Memorial Award" for his portrayal of dedication, hard work, bravery, and integrity on and off the field during his senior year in football; and

WHEREAS, he was an active member of Pack 401 from Cavanaugh Elementary School where he earned his "Arrow of Light Award" in 2001 and moved up to Troop 411 in the spring of 2001; and

WHEREAS, Sam demonstrated leadership and citizenship throughout his Scout years earning 21 merit badges before reaching his 18th birthday to achieve Eagle Rank; and

WHEREAS, in his letter to the Eagle Advancement Committee, he stated "I joined the Boy Scouts because I wanted to make a difference in my community and become a better person";

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, congratulate Sam Brooks for earning the "Eagle Scout Award," Scouting's highest achievement from the Boy Scouts of America. We wish you continued success in all your future endeavors!

Councilmember Allen stated that Sam is a very special young man.

Sam Brooks spoke about winning a humor award.

A scout leader stated that Sam Brooks is a great human being.

A scout leader stated that Sam Brooks is a wonderful person.

Sam Brooks' mother stated that she is proud of her son.

Sam Brooks' brother stated that he is proud of his brother.

Sam Brooks' girlfriend stated that Sam has good morals.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt thanked those who attended the recent 1st Contact meeting for residents of the 1st Ward. He spoke about an Easter Egg event in the Allen neighborhood. He stated that three City departments did not show up for a recent neighborhood meeting.

Councilmember Wood announced an Easter egg hunt in Filley Park. She asked Jerry Ambrose, Executive Assistant to Mayor Bernero, for a follow-up on a guard rail for a Mr. Holbrook located at 6327 Grovenburg Rd.

Councilmember Allen asked Jerry Ambrose to look into a situation involving overflowing trash bins at 5609 Joshua St. and a boarded up house at 5624 Joshua St.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the recent CREATE Lansing event. He announced the upcoming Feed the Children Spring Break event and the next Diversity Day Event.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of creating a Michigan Avenue Corridor Improvement Authority

Councilmember Jeffries gave a brief overview of the Public Hearing.

Joan Nelson of 217 Rosamond St. spoke in support of creating a Michigan Avenue Corridor Improvement Authority.

Loretta Stanaway of 546 Armstrong Rd. stated concerns with creating a Michigan Avenue Corridor Improvement Authority.

Faron Supanich of 711 Sparrow Ave. spoke in support of creating a Michigan Avenue Corridor Improvement Authority.

John Pollard of 1718 Blair St. spoke in opposition to creating a Michigan Avenue Corridor Improvement Authority.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to creating a Michigan Avenue Corridor Improvement Authority.

Charlene Decker 2711 Pleasant Grove Rd. spoke in opposition to creating a Michigan Avenue Corridor Improvement Authority.

Richard Clement of P.O. Box 26123 spoke in support of creating a Michigan Avenue Corridor Improvement Authority.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of creating a Michigan Avenue Corridor Improvement Authority

REFERRED TO THE COMMITTEE OF THE WHOLE

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Jonathan Braun of 405 E. Saginaw St. spoke about Oliver Towers.

Devin Lester of the Lansing City Rescue Mission spoke about Oliver Towers.

Mike Morofsky of 1300 Woodbine Ave. spoke about the Lansing Police Department.

William Hubbell of 3916 Wedgewood Dr. spoke about tree damage.

Bob Gray of 422 Dadson Dr. spoke about the CATA bus turn around on Edgewood Blvd.

Pamela Miller of 515 W. Kilborn St. invited the City Council to dine in her new Old Town restaurant.

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Bonnie Eastman of 1901 Vermont Ave. spoke about Riverfront Apartments.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Richard Clement of P.O. Box 26123 spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS**RESOLUTION #2009-091**

BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at **1235 W. Michigan Avenue**, Parcel # **33-01-01-17-401-511** and Legal Description: **Lot 18 Assessors Plat No 8** to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on **January 28, 2009**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on , the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for **Monday, April 20, 2009** at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at **1235 W. Michigan Avenue** to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Councilmember Allen

Motion Carried

City Clerk Swope read the following Resolution:

RESOLUTION #2009-092

BY COUNCILMEMBER A'LYNNE ROBINSON

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mrs. Gilmore has been a resident of Lansing for over sixty years, graduating from Sexton High School, and is the sole survivor of her siblings, John Davis Jr., Alonzo Davis, Willie Davis, and Sarah Jackson; and

WHEREAS, Betty is the proud mother of two daughters, Terrilyn James Jones and LaTonya Burke and grandmother to three grandsons; Alonzo, Armand, and Marlon Burke; and

WHEREAS, Mrs. Gilmore retired from Consumers Power Company, now Consumers Energy, after over thirty years of service. As an active volunteer in the Lansing community, she has served as a board member

and volunteer to several local organizations; and

WHEREAS, Betty has generously volunteered her time to the City of Lansing as a Crossing Guard and Voting Polls Coordinator. She has served as a member of the Consumers Power MAP Committee, Letts Community Center Board, Lincoln Center Reunion, the Pilgrim Rest Senior Saints ministry, Mt. Zion Choir, Kitchen and Nurses ministries, NAACP Lansing Board of Directors, and the Richard D Letts Memorial Scholarship Board of Directors; and

WHEREAS, Mrs. Gilmore has served as Chairperson of the Lansing Association of Women's Clubs and the NAACP State Membership; and

WHEREAS, Betty is being honored for her contributions to the community at a 12th Annual Letts Memorial Scholarship Tournament on Friday, April 17, 2009;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, proclaims April 17, 2009 Betty Gilmore Day in honor of her dedication to the Lansing Community.

By Councilmember Hewitt

Motion Carried

RESOLUTION #2009-093

BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

Lansing Lugnuts and Night Magic Displays for a public display of fireworks in the City of Lansing at Oldsmobile Park to be held on April 9, 2009 with a rain date of August 1, 2009.

By Councilmember Kaltenbach

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk
 - i. Submitting the Elected Officers Compensation Commission's Salary Determination and Elected Officers Fringe Benefits report

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Providing notice of the Memorial Review Board's recommendations regarding an Application for Naming and Renaming Memorials in the City of Lansing filed by Joe Schramek to rename the Sycamore Driving Range in honor of Paul Bondeson

RECEIVED AND PLACED ON FILE

- iii. Submitting an Application for a Public Display of Fireworks filed by Lansing Lugnuts and Roger Bonney of Night Magic Displays to be held on April 9, 2009 with a rain date of August 1, 2009

RECEIVED AND PLACED ON FILE

- iv. Submitting Applications for a Public Display of Fireworks filed by Lansing Lugnuts and Roger Bonney of Night Magic Displays to be held on May 8th, 9th, 16th, 29th, and 30th, 2009, June 6th, 12th, 13th, 26th, and 27th, 2009 and July 4th, 17th, 18th, 31st, 2009 with rain dates of August 1st, 7th, 8th, and 15th, 2009 and September 4th, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- v. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Golf Fee Schedule for 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Special Recreation Fees

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Transfer of Funds; State/Federal Programs, State Homeland Security Program (2007 SHSP)

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Transfer of Funds; State/Federal Programs, State Homeland Security Program (2007 LETPP)

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- v. Transfer of Funds; LPD Special Operations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- vi. Transfer of Funds; Police Administration, Problem-Solving Overtime

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letters from Comcast Cable:

- i. Providing notice of its upcoming Comcast Cares Day

RECEIVED AND PLACED ON FILE

- ii. Providing notice of new service effective March 30,

2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- b. Application for Community Funding filed by Old Town Commercial Association for its Festival of the Moon/Festival of the Sun event to be held June 26-27, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Debra Dawsey, President of Gardner Music Boosters located at 333 Dahlia Dr.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Letters in support of the Request for Revocation of Liquor License for the Cadillac Club submitted by:
 - i. John Nakfoor of WENCO Properties
 - ii. Larry Nakfoor of WENCO Properties
 - iii. Michael Shafer, no address given

RECEIVED AND PLACED ON FILE

- e. Letter from Nancy Parsons, no address given, in support of the North Capitol Parking Ramp Buy/Sell Agreement

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmembers Dunbar and Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kalttenbach asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to have the parking office review the situation in downtown where 22 of 32 parking meters have been bagged on recent days.

Councilmember Wood asked Jerry Ambrose when the City Council would receive the budget detail.

Jerry Ambrose stated that the City Council would receive the detail tomorrow.

Councilmember Wood asked President Quinney to change one of the upcoming east side budget meetings to the south side.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the next City Hall on the Road event and stated that the guard rail issue raised by Councilmember Wood was being addressed.

Council President Quinney announced that City Hall would be closed this Friday, April 10, 2009 in observance of Good Friday.

ADJOURNED TIME 8:39 P.M.

CHRIS SWOPE, CITY CLERK



**SPECIAL MEETING
OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 8, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in special session and was called to order at 6:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Kaltenebach, Quinney, Wood

ABSENT: Councilmember Jeffries (Arrived at 7:33 p.m.), Robinson

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

SPECIAL CEREMONIES

- Special Ceremonies

1. Presentation; Buy/Sell Agreement for the North Capitol Ramp

Mayor Bernero explained the reasons for having this special meeting.

Bob Johnson, Director of the Planning and Neighborhood Development Department gave detailed information regarding the Buy/Sell Agreement for the North Capitol Ramp.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Stan Shuck of 818 Cooper Ave. spoke in opposition to setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Ray Kurtis of 509 N. Butler Blvd. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Melody Tedoro-Kurtis of 509 N. Butler Blvd. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Bob Gray of 422 Dadson Dr. spoke in opposition to setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Steve Manchester of 514 Westmoreland Ave. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the

North Capitol Ramp.

Carl Calille of 306 Harriet Ave. spoke in opposition to setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

John Pollard of 1718 Blair St. spoke in opposition to setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

John Lenhard of S. US 27 spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Alicia Perez-Banuet of 804 W. Shiawassee St. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Diane Sanborn of 714 & 720 Seymour Ave. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Brad Williams of 4532 N. Genesee St. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Monica Zuchowski of 320 N. Walnut St. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

Lester Bryant of 501 S. Butler Blvd. spoke in support of setting a Public Hearing in consideration of the Buy/Sell Agreement for the North Capitol Ramp.

LEGISLATIVE MATTERS

Council President Quinney recessed the meeting at 7:05 p.m.

Council President Quinney reconvened the meeting at 7:33 p.m.

Councilmember Jeffries arrived at the meeting at 7:33 p.m.

RESOLUTIONS

RESOLUTION #2009-094

BY COUNCILMEMBER ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City has received a proposal submitted by Lansing Community College to purchase certain real property titled in the name of the City of Lansing; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances, the documentation and details of the sale must be placed on file in the Office of the City Clerk for a thirty (30) day period, and a Public Hearing on the proposed sale of the property held before the City

Council subsequent to that time; and

WHEREAS, the documentation and details of the sale were placed on file in the Office of the City Clerk on February 16, 2009;

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing be held on Monday, April 27, 2009, at 7:00 p.m. in the City Council Chambers, Tenth Floor, City Hall, 124 West Michigan Avenue, Lansing, Michigan, to receive public comment on and to consider the proposed sale of the property located in Lansing, Michigan and legally described more particularly in the Purchase Agreement for the property, which has been placed on file with the City Clerk on February 16, 2009.

By Councilmember Allen

That the resolution be adopted

By Councilmember Jeffries

That the previous question be called

Motion Carried

The question being adoption of the resolution

Motion Carried

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

ADJOURNED TIME 7:39 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 13, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

Councilmember Wood asked for a moment of silence to remember Hollis Duncan who recently passed away.

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of March 30, April 6 and April 8, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Kaltenbach; Letter from the Mayor re: Noise Waiver – Edgewood Blvd. Project
2. From Councilmember Wood; Letter from the Mayor re: Grant Acceptance; Grand Avenue Enhancement
3. From Councilmember Robinson; Presentation; Diversity Day

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Tribute; Tri-County Awareness Committee and Kickoff to Alcohol Awareness Month

Councilmember Wood spoke about various upcoming events sponsored by the Tri-County Alcohol Awareness Committee.

RESOLUTION #2009-095

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Tri-County Alcohol Awareness Committee began in 2001, when Rod MacDonald, then director of the National Council on Alcoholism, Lansing Regional Area, and Fawn Jones, of the Neighborhood Youth and Parent Prevention Partnership, wanted an event in Lansing to coincide with the National Alcohol Awareness Day/Month in April; and

WHEREAS, the Tri-County Alcohol Awareness Committee is dedicated to reducing the misuse of alcohol by adults and the prevention of underage use of alcohol. This year they have expanded their activities to include a talent show for high school youth, at Hannah Center in East Lansing, on April 18, 2009, a poster contest for youth in grades 4-12, an essay contest for middle and high school youth, and an event at a Lugnuts game; and

WHEREAS, continuing this year is the Safe Prom Initiative, developed in 2004 by Lt. Tim Gill of Tri-County Metro Narcotics and Sheriff Mike Raines, where law enforcement from the Tri-County Area is given dates and locations of proms. They contact hotels, motels, party stores, and limousine services, surrounding prom locations, to help ensure that youth will have a safe and alcohol-free Prom; and

WHEREAS, people who begin drinking before age 15 are four times more likely to develop alcoholism than those who begin at age 21; and

WHEREAS, nearly one-fourth of all persons admitted to general hospitals have alcohol problems or are undiagnosed alcoholics being treated for the consequences of their drinking; and

WHEREAS, based on victim reports, each year 183,000 (37%) rapes and sexual assaults involve alcohol use by the offender as do just over 197,000 (15%) of robberies, about 661,000 (27%) aggravated assaults, and nearly 1.7 million (25%) simple assaults;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, proclaim April 2009 as Alcohol Awareness Month in Lansing, Michigan. We also call upon all citizens, parents, youth, governmental agencies, public and private institutions, businesses and workplaces, hospitals, and schools in Lansing to support Tri County Alcohol Awareness Committee initiatives and other local efforts to reduce and prevent underage drinking in our communities.

By Councilmember Wood

Motion Carried

A representative of the Tri-County Alcohol Awareness Committee spoke about its upcoming events, such as announcing a list of poster contest winners.

2. Presentation; Diversity Day

Mayor Bernero spoke about the Diversity Day event and he introduced and spoke about the various sponsors of the event. He handed certificates to those sponsors present.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt announced the Baker-Donora Neighborhood Watch meeting and the Lansing Area Rescue Mission's dinners.

Councilmember Allen asked Mayor Bernero to provide her with information related to the permit holders of the North Capitol Parking Ramp. She announced the Lyons School neighborhood meeting.

Council Vice-President Robinson thanked those who attended the recent 2nd Saturdays meeting and she announced the Colonial Village, Kensington Meadows and Lewton-Rich neighborhood meetings.

Councilmember Dunbar stated that she spent the last week with her children who were on spring break. She announced that the next Hawk Island Triathlon is seven weeks away and that volunteers are still needed.

Councilmember Wood announced the upcoming Sikh Parade and the Michigan Pride Brunch.

Councilmember Dunbar announced that former Detroit Tiger Mark Fidrych had recently passed away.

Council President Quinney announced the National Association of Negro Business & Professional Women's 27th Annual Founders' Day Awards Ceremony and he announced upcoming budget hearings. He wished his daughter Dekeea and his son Dominic happy birthdays.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero announced the next Diversity Day event, the Adopt A River Spring Clean-Up and Mobile Food Pantry. He spoke about the potential sale of the North Capitol Parking Ramp.

Councilmember Allen asked Mayor Bernero if the Mobile Food Pantry was open only to Lansing Residents and he stated that yes it is for Lansing residents only.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of SLU-4-2008; 5405 S. Martin Luther King, Jr. Blvd., Construction of a cell phone tower in an "A" Residential District
2. In consideration of the proposed Consolidated Strategy and Plan Annual Action Plan Submission to HUD for FY 2009-2010

3. In consideration of Z-10-2008; a request filed by Harilaos and Stella Sorovigas to rezone the property located at 527 W. Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building at this location for a law office and title insurance company
4. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District
5. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1442, Section 1442.02, of the Lansing Codified Ordinances by modifying adding and deleting certain definitions for signs

Councilmember Jeffries gave a brief overview of all of the Public Hearings.

William Hubbell of 3916 Wedgewood Dr. stated concerns with the Sign Ordinances.

Stan Shuck of 818 Cooper Ave. spoke in opposition to SLU-4-2008.

Derek Melot of 1520 W. Ottawa St. spoke in support of the Sign Ordinances.

John Pollard of 1718 Blair St. spoke in opposition to SLU-4-200, Z-10-2008 and the Sign Ordinances. He stated concerns with the proposed Consolidated Strategy and Plan Annual Action Plan Submission to HUD for FY 2009-2010.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to SLU-4-2008.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to SLU-4-2008.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-4-2008; 5405 S. Martin Luther King, Jr. Blvd., Construction of a cell phone tower in an "A" Residential District

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of the proposed Consolidated Strategy and Plan Annual Action Plan Submission to HUD for FY 2009-2010

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of Z-10-2008; a request filed by Harilaos and Stella Sorovigas to rezone the property located at 527 W. Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building at this location for a law office and title insurance company

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

4. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

5. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1442, Section 1442.02, of the Lansing Codified Ordinances by modifying adding and deleting certain definitions for signs

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Bryan Decker of 543 E. Edgewood Blvd. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about the CATA bus turn around on Edgewood Blvd.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Bonnie Eastman of 1901 Vermont Ave. spoke about Riverfront Apartments.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Christopher Davis of 122 W. Hourns spoke about various city matters.

Pattie Smith 1124 W. Edgewood Blvd. spoke about the lack of afterschool programs for children in the city.

John Pollard of 1718 Blair St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Robert Ovalle of 2023 Park Ln. spoke about a march for justice.

LEGISLATIVE MATTERS

RESOLUTIONS

THIS ITEM WAS RETURNED TO COUNCILMEMBER ROBINSON

Establishing an increase in the multiplier for Defined Benefit Retirement System for City Council Staff hired after October 29, 1990

By Councilmember Robinson

That this item be returned to her

Motion Carried

RESOLUTION #2009-096

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Verna D. Holley is a native of Detroit where she attended Dwyer Elementary School and graduated from Northern High School. She received her BA in Music Education from Wayne State University and her MA from Michigan State University; and

WHEREAS, she began her teaching career in elementary music in the Detroit Public Schools; and

WHEREAS, Verna married Melvin J. Holley in 1957 and together they had three children; Mark, Timothy, and Millicent; and

WHEREAS, in 1970, the family moved to Lansing where Verna was hired three years later by the Lansing School District, teaching vocal music to elementary students; and

WHEREAS, Verna later became the Choral Music and Piano Teacher for Sexton High School where she directed the award winning Sexton High School Choir; and

WHEREAS, shortly after her assignment to Sexton High School, she accepted the position of Director of the Earl Nelson Singers Company, a position she still holds today; and

WHEREAS, Verna is the founding member and president of the United Conference for Women, a non-denominational Christ centered outreach ministry that meets yearly for a weekend of speakers and workshop leaders who direct an intense study of God's word; and

WHEREAS, in 1984, the Lansing School District honored her as "Teacher of the Year"; and

WHEREAS, she returned to teaching piano after her retirement from the Lansing School District and assists many churches, groups, vocal and instrumental artists as accompanist; and

WHEREAS, Verna has touched the lives of many young people and women in her years of involvement within the church and the secular world;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, wish to congratulate Verna D. Holley on being the proud recipient of the Sojourner Truth Award by the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Club, Inc.!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-097

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Derrick L. Quinney is a long time resident of Lansing and graduate of Harry Hill High School. After high school, he attended the Dale Carnegie University of Michigan's Michigan Labor Studies, International Chemical Worker Council, and UAW Health and Safety School; and

WHEREAS, he has served as a member on many union committees and groups, including Capitol Area Michigan Works, CPA Council, United Way Labor Loan Executive, Lansing Community College LipSync Fundraiser, Coalition of Blood and Bone Marrow Drive, Lansing Police Commission, and is an Honorary Board Member of the Old News Boys; and

WHEREAS, Derrick is the State President of the A. Philip Randolph Institute and has won numerous awards, including the Walt Campbell Community Service Award and Alvin J. Pressley Trail Blazer Award; and

WHEREAS, in January 2007, Derrick was appointed to the Lansing City Council to fulfill the remainder of the term for the vacated At Large Council seat, once held by Joan Bauer; and

WHEREAS, in 2008, Derrick was elected by the citizens of Lansing,

where he currently serves as President of the Lansing City Council; and

WHEREAS, he is an active member of the Committee on Development and Planning, Ways and Means, General Services, Vice Chair of the Committee on Personnel, and Chairperson of the Committee of the Whole; and

WHEREAS, as many other Councilmembers, Derrick balances his responsibilities as a Councilmember with a fulltime job as the Health and Safety Director for the Michigan AFL-CIO; and

WHEREAS, he is dedicated to enhancing the quality of life for the citizens of Lansing through community service and his position on the Lansing City Council;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wish to congratulate Derrick L. Quinney for being the proud recipient of the Frederick Douglass Award by the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Club, Inc.!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-098

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Leola (Lee) Taylor has been an activist for youth and dedicated to community service for over 32 years, beginning in the 1960's targeting "at risk" pre-school and K-12 students; and

WHEREAS, Ms. Taylor joined forces with the late Richard Letts, and together they organized a variety of programs and talent shows, eventually culminating into a program in 1978 entitled Models, Inc.; and

WHEREAS, Models Inc. partnered with the Michigan Employment Security Commission to conduct job workshops for the benefit of inner city youth. The workshops were based on the utilization of an automated skill testing system; whereby individuals could ascertain basic skill sets that they possess and identify employment goals; and

WHEREAS, Models Inc. also helped youth develop the skills necessary to become community leaders, including instruction on how to conduct meetings and engage in public speaking. Whenever possible, all workshops linked the contributions of Black America into their curriculum; and

WHEREAS, Models, Inc. has evolved into the present program, the Brand New Me Workshops (BNM), that which focuses on employability, personal development, and life skills to enable citizens to live independently with an emphasis on building self-awareness, self-esteem, and encouraging continuing education. BNM Workshops have been conducted within local school districts, Michigan penal institutions, boys vocational schools, and have been extended to mentally challenged populations; and

WHEREAS, in 1994, Heather Taylor-Livas, eldest daughter of Lee Taylor, brought African dance to BNM, via the African Masquerade Dancers (AMD), to inspire youth to explore their roots with pride, and travel the country and take part in a constructive activity; and

WHEREAS, Lee has worked with several community programs, including as a volunteer with Dr. Willie Davis, Jr. and his "All Around the African World Museum," designed, developed, and implemented the Youth Advisory Boards at the Black Child and Family Institute where young participants are actively involved in the eradication of alcohol and other drug use in the community;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council,

hereby, wish to extend its appreciation to Leola Taylor for her dedication to the African American youth community. Congratulations on being the recipient of the Community Service Award by the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Club, Inc!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-099

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Edwin E. Thompson, was born and raised in Southern Florida, and is one of seven siblings and twin to his brother Edward; and

WHEREAS, he graduated from Hollywood Hills High School in 1974 and went on to attend Florida A&M University where he was recruited by the State of Michigan as an Environmental Engineer; and

WHEREAS, Edwin worked for the State of Michigan for sixteen years, and in 1995, he moved on to pursue his financial services business and earned an MBA in Technology Management from the University of Phoenix in 2004; and

WHEREAS, he is a member of Empire Who's Who, the American Management Association, and the Quality Assurance Institute, the Lansing Juneteenth Committee, the Westside Neighborhood Association, and Chairman of the Expanded Capital Commons Citizen District Council; and

WHEREAS, Edwin and his brother, Edward, have co-written a book titled "Refocusing the African Dream," a personal, professional, and human perspective of two twin's dreams, hopes, and passions; and

WHEREAS, his company, HD Vest Financial Services collaborated with EDM Tax Service in 1984. Together, they introduced an innovative new standard in financial services that incorporated financial planning services with basic tax preparation services, making the technical expertise of a trusted tax professional available to individuals from all financial levels;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wish to congratulate Edwin E. Thompson for being the proud recipient of the Business Excellence Award by the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Club, Inc.!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-100

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sharon Zipporah Champion, better know as "Z", is the daughter of Sharon Denise Champion and granddaughter of Norma Champion Jones. She is a tenth grade honor student at J W Sexton High School, maintaining a 4.0 GPA. Z's favorite subjects are Math and Chemistry; and

WHEREAS, Z exhibits mentor capabilities by tutoring students in geometry and chaperoning children in the LCC Science Olympiad; and

WHEREAS, she is a member of the Sexton Marching Band and enjoys reading and playing the piano. She has received an honorary scholarship from the Michigan State University Chamber Music

Department; and

WHEREAS, Sharon eagerly involves herself in the community and her church. She assists senior citizens and neighbors by lending a helping hand with odd jobs and doing lawn care. She runs the PA system in church and assists the pianist in Sunday School; and

WHEREAS, Z's many activities include her membership in the Robotic Club, Greater Lansing Area NBPW Youth Club, People to People Ambassador program, and the NAACP, a lifetime member; and

WHEREAS, among the many awards presented to Z, the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Club, Inc. recognizes her as a 2009 Lansing Youth On the Move Awardee.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, expresses its gratitude for her contributions to the City of Lansing through her church and community efforts and wishes her continued success!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-101

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Chelsea Danielle Carroll is the daughter of Cynthia McCoy and Curtis Carroll. Chelsea is a junior at Everett High School maintaining a 3.5 GPA. She is listed in the Who's Who among High School Students and a 2004 Great Lakes Scholar.

WHEREAS, Chelsea enjoys jazz dance, reading, and computers and, currently, taking Visual Imaging classes at Harry Hill Academy.

WHEREAS, some of the many accomplishments of Chelsea is her community involvement and volunteer work at Valueland and Creation Station. She is a Sunday school teacher, mentor, and tutor for young children at the Church Without Walls. She is an active member of Union Baptist Church Sunday School, nursery, and the National Baptist Convention Youth Group.

WHEREAS, Chelsea is an active member and supporter of youth in the All of Us Express Children's Theater and the Storybook Story Theater.

WHEREAS, Chelsea Danielle Carroll is recognized by the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Club, Inc. as a 2009 Lansing Youth on the Move Awardee.

WHEREAS, NOW, THEREFORE BE IT RESOLVED, the Lansing City Council, hereby, recognizes Chelsea Danielle Carroll for her many contributions to the City of Lansing through her leadership and support to the youth, as well as her commitment and volunteering to her neighbors and the citizens of the City of Lansing.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-102

BY THE PLANNING AND DEVELOPMENT COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Setting a Public Hearing for an Industrial Facilities Exemption Certificate

WHEREAS, the City of Lansing received and filed an application from Bharat Forge America, Inc.'s requesting an Industrial Facilities

Exemption Certificate (IFT 01-09) for real and personal property, pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, prior to acting upon this request, it is necessary to hold a public hearing on Bharat Forge America, Inc.'s application for an Industrial Facilities Exemption Certificate (IFT 01-09), to allow for any resident or taxpayer or ad valorem taxing unit the right to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on Monday, April 27, 2009 at 7 p.m., on the application for an Industrial Facilities Exemption Certificate (IFT 01-09) for real and personal property located within the boundary more particularly described as:

N ½ OF NE ¼ OF SE ¼ EXC W 330 FT SEC 29 T4N R2W,

and that the City Clerk cause to be published in a publication of general circulation, giving notice of such hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, as well as the owners of real and personal property located within the stated boundary, be notified by certified mail of this application and the scheduled public hearing.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-103

BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Gardner Music Boosters, 333 Dahlia Drive, Lansing, Michigan 48911 has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Gardner Music Boosters as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Debra Dawsey, President, Gardner Music Boosters, 2414 Boston Blvd., Lansing, Michigan 48910.

By Councilmember Robinson

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Submitting an Application for a license to Sell or Offer to Sell Retail Fireworks filed by B. J. Alan on behalf of K-Mart #4382 located at 5400 S. Cedar St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Submitting a request from The Chrome Cat, LLC to Transfer Ownership of a 2008 Class C Licensed Business with Dance-Entertainment Permit, located at 226 E. Grand River Ave., from Thatzit, Inc., to The Chrome Cat, LLC

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letters from the Mayor re:
 - i. Noise Waiver; Edgewood Blvd. Project

*SUSPENSION ITEM – REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Grant Acceptance; Grand Avenue Enhancement

*SUSPENSION ITEM – REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing Public Notice of the City of Lansing's application for a permit to cover an exposed Central Interceptor sanitary sewer pipe with fill and riprap and replace an existing storm water outfall on the Grand River as part of the overall combined sewer separation project and for the purpose of protecting the sewer pipeline and stream bank restoration along 770 feet of shoreline on the Grand River. Approximately 244 cubic yards of material will be excavated, 1,300 cubic yards of riprap and 1,800 cubic yards of backfill will be placed along a 25-foot wide ribbon of stream bank beginning at Walnut Street and extending 770 feet downstream adjacent to the Consumers Power property. Live willow stakes will also be planted for additional bank stabilization. An existing 10-inch diameter outfall at the end of Chestnut Street will be replaced with a 12-inch in diameter outfall and riprap.

RECEIVED AND PLACED ON FILE

- b. Letter from the State of Michigan Liquor Control Commission providing 15-Day Notice of AHR Ventures, Inc. request to Transfer Ownership of Escrowed 2008 SDD License only from Rite Aid of Michigan, Inc.; Transfer Location from 3825 W. Jolly Rd. to 3333 Martin Luther King, Jr. Blvd, to be held in conjunction with proposed new SDM License

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Freedom of Information Act (FOIA) requests from John Pollard of 1718 Blair St. Regarding:
 - i. The City owned Cadillac driven by Mayor Bernero

REFERRED TO THE CITY ATTORNEY

- ii. Travel related expenses incurred by Mayor Bernero and his staff on trips to Washington, DC

REFERRED TO THE CITY ATTORNEY

- d. Letters in support of the sale of the North Capitol Parking Ramp submitted by:

- i. William Petry of 1416 N. Genesee Dr.

RECEIVED AND PLACED ON FILE

- ii. Nancy Parsons Mahlow, no address given

RECEIVED AND PLACED ON FILE

ADJOURNED TIME 8:44 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 20, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by Vice President Robinson.

PRESENT: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Councilmembers Hewitt (Arrived at 7:06 p.m.) and Quinney

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice President Robinson

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of April 13, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Presentation; Mayor's Recognition of National Arbor Day

Councilmember Hewitt arrived at the meeting at 7:06 p.m.

Mayor Bernero reminded viewers about the importance of Arbor Day. He spoke about the importance of planting trees.

Paul Dykema of the Parks and Recreation Department thanked the Mayor, City Council and residents of Lansing for recognizing Arbor Day. He stated that Lansing has been designated as a Tree City for the past 25 years. He spoke about the benefits of planting trees.

Mayor Bernero spoke about the many Arbor Day events he plans to attend.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Allen announced the next Old Everett neighborhood meeting and she recognized a Lansing Community College government class in attendance.

Councilmember Dunbar recognized a Holt High School 11th grade government class in attendance. She announced the next Churchill Downs and Averill Woods neighborhood meetings. She thanked the

organizers of Michigan Pride's recent brunch for letting her bartend. She spoke about spending time with her neighbors playing Catch the Flag.

Councilmember Wood announced the Healing Fields flag event for child abuse victims and she announced the Westside Fiesta and Silent Auction.

City Clerk Swope announced the Tri-County Office on Aging's annual golf outing and stated that census workers would be checking addresses in the city and that information collected by or given to census workers is protected as confidential information.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the recent Adopt A River Clean-Up, National Association of Negro Business & Professional Women's 27th Annual Founders' Day Awards Ceremony and the Diversity Day events. He announced National Volunteer Week for 2009 and the next Mobile Food Pantry.

Councilmember Dunbar spoke about upcoming master planning meetings.

SHOW CAUSE HEARINGS

Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1235 W. Michigan Ave.

Councilmember Allen gave a brief overview of the Show Cause Hearing.

There were no speakers for this Show Cause Hearing.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1235 W. Michigan Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Vice President Robinson invited the public to attend upcoming budget meetings.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about authorizing the expansion of the Ingham County/City of Lansing Community Corrections Advisory Board to include two representatives from the general public.

Stan Shuck of 818 Cooper Ave. spoke about Cesar E. Chavez Day.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Justin Sleight of 215 N. Capitol Ave. spoke about Oliver Towers.

Loretta Stanaway of 546 Armstrong Rd. spoke about the city's budget.

Christopher Davis of 122 W. Huron St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Manuela Kress of 1712 E. Michigan Ave. spoke about the Women's Center of Greater Lansing.

Jonathan Braun, homeless, spoke about homeless matters.

Michael Evans of 4224 Mt. Olivet, Kalamazoo, spoke about homeless matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Don Dean of 1321 E. North St. spoke in support of the proposed sale of the North Capitol Parking Ramp.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Carl Calille of 306 Harriett Ave. spoke about various city matters.

Rob Wilcox of 1104 Pershing Dr. spoke about Lansing Public Schools.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Berhsar Chapman of 4405 Ingham St. spoke about youth activities in the City of Lansing.

Nicole Bell of 2305 Bollman Dr., Delta Twp., spoke about various city matters.

Jerry Roe of 4809 Gull Rd., Delta Twp. spoke about the proposed sale of the North Capitol Parking Ramp.

Curt Busque of 130 Swart St., East Lansing, spoke about bars in the City of Lansing potentially serving alcohol to 4:00 a.m.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-104

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Cesar E. Chavez was co-founder and leader of the United Farm Workers and for over 30 years worked to bring unity, fair wages, respect, and humane living conditions to hundreds of thousands of farm workers throughout the country; and

WHEREAS, on April 23, 1993, Cesar E. Chavez, a great hero and leader in our United States of America, died of natural causes in San Luis, Arizona; and

WHEREAS, Cesar E. Chavez's dedication to non-violence, public service, community, and respect for all cultures continues to serve as an inspiration to others who wish for a more peaceful and just society; and

WHEREAS, on April 17, 2009, the City of Lansing will host the 1st Annual Cesar E. Chavez Memorial Observance honoring this great community leader; and

WHEREAS, the theme for this year's observance, as proclaimed by the Cesar E. Chavez Foundation, "Si Se Puede! Yes We Can!" reminds us that our actions can bring HOPE and positive CHANGE to our Communities and Country;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council honors the memory of Cesar E. Chavez, who devoted his life to be of service to others and to bring positive change;

BE IT FURTHER RESOLVED, the Lansing City Council, hereby, declares Friday, April 17, 2009, as Cesar E. Chavez Day.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-105

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Edmund Banasikowski was born April 3, 1914, in Siedlce, Central Poland; and

WHEREAS, he graduated from the Military College for Professional Officers of the Polish Army and was assigned to the 23rd infantry regiment. In August 1939, at the rank of Lieutenant, he was transferred to Freelance Fortrece Detachment in Mikolow, where he was serving when World War II broke out; and

WHEREAS, between 1939 and 1940, Banasikowski worked for the Polish Underground in Siedlce. He was recruited and assigned to the Offensive Intelligence Unit as second in command of the Intelligence Post "Zygmunt"; and

WHEREAS, during WWII, he fought for the freedom of Poland during the domination and occupation of the Soviet Union and was at one time among the most wanted by the KGB. He was captured by the Soviet Red Army, the Gestapo, and the KGB; and

WHEREAS, at the end of 1944, he contacted the Polish Underground and worked as co-editor of the underground bulletin, "Na Zew Ziemi Ojczystej"; and

WHEREAS, in 1956, Banasikowski and friends activated the Polish American Congress Wisconsin State Division, where he served for seventeen years, the longest serving president of the organization; and

WHEREAS, Banasikowski also served as a member of the World Council of Polish Veterans of World War II Association, the Head Council of Polish Home Army Association in London, England, the Polish American Congress Board of Directors, the Polish Affairs

Study, and the National Council of Polish Government in Exile; and

WHEREAS, as an orator and author, Banasikowski's various articles regarding Polish Affairs were heard on "Radio Free Europe" in Munich and on "Echoes from Poland" in Milwaukee; and

WHEREAS, Edmund Banasikowski wrote a bestseller, titled, "Na Zew Ziemi Wilenskiej," for which he was named in 1988 the "Polish Writer of the Year" by the Polish Writer's Association Abroad in London, England; and

WHEREAS, Banasikowski won numerous awards for his service, including the Cross of Wituti Militari V-Class, the Cross of Valour, the Cross of the Home Army, the Order of Poland's Revival Cavalier Cross, and the Officer's Cross by Poland's Government in Exile in London; and

WHEREAS, in 1991, invited by Home Army, he traveled to Poland with his wife; his first return to Poland after the fall of communism. He was greeted by a military 21-gun salute on the soil of the Republic of Poland, an independent Poland, for which he fought his entire life; and

WHEREAS, he was awarded two proclamations by Pope John Paul II for his service and dedication to the freedom of Poland and was invited to the White House by three Presidents; Jimmy Carter, Ronald Reagan, and George Bush Sr.; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes Edmund Banasikowski a very happy 84th birthday and commend him on his extraordinary lifetime of achievements.

By Councilmember Wood

Motion Carried

THIS ITEM WAS RETURNED TO COUNCILMEMBER WOOD

Tribute; Recognition of Glenn Dean for his contributions to the City of Lansing

By Councilmember Wood

To return this item to her

Motion Carried

RESOLUTION #2009-106

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Case Cares has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Case Cares as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Case Cares, c/o Terry Pearson, 4316 S. Pennsylvania Street, Lansing, Michigan 48909.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-107

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Progressive Empowerment Education Resource Service (P.E.E.R.S.) has requested \$500.00 to defray costs associated with the Juneteenth Celebration to be held on June 19 and 20, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 13, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the allocation of \$500.00 from the Community Promotion Account to the Progressive Empowerment Education Resource Service to defray costs associated with the Juneteenth Celebration to be held on June 19 and 20, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the P.E.E.R.S. shall submit a written analysis of the event, including information regarding the number of attendees, a detail account on all funds received, expenditures, and receipts to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-108

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Old Town Commercial Association has requested \$500.00 to defray costs associated with the Festival of the Moon and Festival of the Sun to be held on June 26 and 27, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 13, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to the Old Town Commercial Association to defray costs associated with the Festival of the Moon and Festival of the Sun to be held on June 26, and 27, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Old Town Commercial Association shall submit a written analysis of the event, including information regarding the number of attendees, a detail account on all funds received, expenditures, and receipts to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-109

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michigan Pride has requested \$500.00 to defray costs

associated with the Michigan Pride Diversity Festival to be held on June 13, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 13, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Michigan Pride to defray costs associated with the Michigan Pride Diversity Festival to be held on June, 13, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Michigan Pride shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-110

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Janet Smith sought to eliminate special assessment of \$351.50 on trash and debris and all associated penalties and interest on the property tax bill of 614 Helen Street, Lansing, Michigan, 48912; and

WHEREAS, the Committee on General Services met on April 13, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by Janet Smith on a trash and debris special assessment of \$351.50 and all associated penalties and interest on the property tax bill of 614 Helen Street, Lansing, Michigan, 48912;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-111

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

The Lansing Lugnuts and Roger Bonney of Night Magic Displays for a public display of fireworks in the City of Lansing at 505 E. Michigan Ave. to be held May 8th, 9th, 16th, 29th, and 30th; June 6th, 12th, 13th, 26th,

and 27th; and July 4th, 17th, 18th, and 31st, 2009 with rain dates of August 1st, 7th, 8th, and 15th; and September 4th, 2009.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-112

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Community Corrections Act of 1988 (PA511) authorizes the establishment of a Community Corrections Advisory Board (CCAB) and Community Corrections programming; and

WHEREAS, Ingham County authorized the participation of Ingham County in a joint City/County CCAB in 1990 through Resolution #90-51; and

WHEREAS, Public Act 511 of 1988, Section 791.401(7) (m) sets forth the membership of local Community Correction Advisory Boards, stating that one member shall be a representative of the general public; and

WHEREAS, CCAB membership has historically complied with the requirements of PA511 as set forth in the legislation; and

WHEREAS, the Law Enforcement Committee wishes to permanently expand the number of general public representatives from one to two; and

WHEREAS, the State of Michigan, Department of Corrections – Office of Community Corrections has advised that the State has always interpreted the language of Public Act 511 of 1988, Section 791.401(7) as non-exclusive, therefore allowing for the expansion of the number of CCAB members;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, approve the permanent expansion of the number of Community Corrections Advisory Board general public representatives from one to two.

By Councilmember Allen

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Jeffries that all items be considered as being read in full and that Vice President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Resolution in support of West Saginaw Associate Level Michigan Mainstreet Designation

Motion Carried

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Sole Source Purchase; Building Maintenance Division request for Carrier Corporation as the vendor for the repair of the Carrier Chiller at City Hall

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letters from the State of Michigan Department of Environmental Quality:
 - i. Providing notice of the issuance of Permit No. 09-33-0008-P to The Christman Company Phoenix Development Partners to allow for the construction of a three story, 105,000 Sq. Ft. addition (with no basement) to the Board of Water and Light Ottawa Street Station, the construction of a +/- 1,000 car parking deck, a 25-foot wide riverfront trail extension, and the placement of 3190 cubic yards of fill and excavation of 5685 cubic yards resulting in 2,495 cubic yards of net compensatory cut

RECEIVED AND PLACED ON FILE

- ii. Providing notice of the issuance of Permit No. 08-33-0059-P to Grand Tower LLC to allow for the excavation of 1 cubic yard within the 100-year floodway of the Grand River for the construction of a new 12 story mixed use building

RECEIVED AND PLACED ON FILE

- b. Letter from the Treasurer of Lansing Sesquicentennial Foundation, Timothy Adams, submitting its monthly report of expenditures for March 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- c. Application for Community Funding submitted by Native American Arts and Crafts Council for their Riverbank Traditional Pow Wow, Native American Cultural Event to be held June 19-21, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Sergeant Traci Ruiz, Chair of Ingham County TRIAD, Seniors and Law Enforcement Together of P.O. Box 26182

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- e. Letter of Resignation from the Board of Ethics effective July 1, 2009 submitted by Donald Cote

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Council President Quinney from tonight's proceedings

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach asked Jerry Ambrose, Executive Assistant to Mayor Bernero, regarding the possible need for traffic calming at the intersection of Glenrose Ave. and Muskegon Ave.

Councilmember Hewitt asked Jerry Ambrose of the possibility for more signage to alert drivers to the fact that Grand Ave. has returned to a one-way street.

Councilmember Wood told Councilmember Kaltenbach that the Glenrose Ave./Muskegon Ave. issue was already being addressed.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the next Mobile Food Pantry and City Hall on the Road events.

Councilmember Dunbar complimented Vice President Robinson on how she ran tonight's meeting.

ADJOURNED TIME 8:40 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 27, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of April 20, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Council and Mayoral Presentation; Recognition of Everett High School's Marching Band

Councilmember Wood stated that this is a great group of students and congratulated them on their 1st place finish in their division of the Chik-fil-A band competition.

Councilmember Allen recognized the seniors and the parents of all of the students. She presented the students with certificates.

Mayor Bernero congratulated the band members on behalf of all Lansing citizens and stated that the band put Lansing on the map in a positive way. He read part of a proclamation.

Ben Baldwin stated that it was an honor to be here and spoke about the various fundraisers that were held to raise money for the trip to Atlanta for the competition. He stated that his band members were the best kids in the state. He introduced his drum majors.

2. Tribute and Mayoral Presentation; Recognition of Workers' Memorial Day

City Clerk Swope read the following Resolution:

RESOLUTION #2009-113
BY COUNCIL PRESIDENT DERRICK QUINNEY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on April 28, 2009, the labor movement will once again observe Workers' Memorial Day to remember workers who have been killed or injured on the job. It is also a day to highlight the preventable nature of most workplace accidents and ill health and to promote campaigns and union organizations to fight for improvements in workplace safety and health protections; and

WHEREAS, more than three decades ago, Congress passed the Occupational Safety and Health Act and Mine Safety and Health Act promising every worker the right to a safe job; and

WHEREAS, despite the efforts of the unions and their allies, who fought to make that promise a reality, the toll of workplace injuries, illnesses, and deaths remains enormous. Each year thousands of workers are killed and millions more are injured or diseased because of their jobs; and

WHEREAS, progress in protecting workers' safety and health has slowed, and for some groups of workers, jobs are becoming more dangerous; and

WHEREAS, many employers, in a race to the bottom in the global economy, have been pushing to cut wages and benefits and loosen protections; and

WHEREAS, with fewer and fewer workers having the protection of unions, more workers are afraid to speak out and raise job safety concerns, fearing retaliation and firing; and

WHEREAS, on April 28, 2009, the unions of the AFL-CIO observe Worker's Memorial Day to remember those who have suffered and died on the job and to renew the fight for safe workplaces, to speak out and bargain for safe jobs, respect, and a better future; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, urges employers and employees to continue to fight to make workers' issues a priority, to guarantee the freedom of workers to form a union, and to keep and create good, safe jobs in this country. *"Good Jobs; Safe Jobs — Give Workers a Voice for a Change"*.

BE IT FURTHER RESOLVED, the Lansing City Council declares Tuesday, April 28, 2009, *Worker's Memorial Day*.

By Councilmember Quinney

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Councilmember Quinney

To place an affirmative roll on the substitute resolution

Motion Carried

Council President Quinney stated that April 28, 2009 marks the 40th anniversary of OSHA and spoke about their efforts to reduce workplace injuries. He stated that nationwide there were over 5,000 workplace related fatalities in 2008.

Mayor Bernero stated that recognition of Workers' Memorial Day was very important and he read parts of a proclamation.

Martha Yoder stated that there are great prevention programs available. She thanked the City of Lansing for all of its safety efforts.

Caroline Ross passed out a proclamation from Governor Granholm.

Council President Quinney presented a plaque to the sister of Abel Gonzalez.

Irene Cahill spoke about the Greater Lansing Labor Council.

Eva Gonzalez thanked everyone for honoring her brother Abel, a City of Lansing worker who was killed while on the job.

Council President Quinney asked that everyone share workplace safety information.

3. Presentation; Mayoral Recognition of Bingham Elementary School's Go Green Project

Mayor Bernero spoke about Bingham Elementary School's large scale composting project and how the school is becoming a certified green school.

Andon Pogoncheff spoke about going green and the importance of getting kids into recycling at an early age.

Natae Tyler stated that Bingham Elementary School is trying to become a great school.

Mayor Bernero stated that he would love to work with Andon on the City's recycling program.

Andon Pogoncheff stated that he would like to collect cardboard from all the schools as part of the City's recycling program.

Mayor Bernero passed out certificates to the attendees.

4. Tribute; Recognition of Children's Mental Health Awareness Day

Councilmember Wood stated that May is National Children's Mental Health Awareness month and spoke about the number of services, the need for effective programs and about positive outcomes. She stated that these programs teach kids with mental illness how to thrive.

City Clerk Swope read the following Resolution:

RESOLUTION #2009-114

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, May 8, 2009, will be the fourth annual National Children's Mental Health Awareness Day launched by the Substance Abuse and Mental Health Services Administration (SAMHSA); and

WHEREAS, the National Children's Mental Health Awareness Day is an opportunity for SAMHSA-funded communities and partner organizations to promote positive youth development, resilience, recovery, and the transformation of mental health services for children and youth with serious mental health needs and their families; and

WHEREAS, the three goals of National Children's Mental Health Awareness Day are to:

- Raise awareness of effective programs for children's mental health issues

- Demonstrate how children's mental health initiatives promote positive youth development, recovery, and resilience
- Show how children with mental health needs thrive in their community; and

WHEREAS, Impact, Ingham County's System of Care Initiative, seeks to transform how children and youth with serious mental health needs and their families are supported as valuable members of Ingham County by ensuring access to integrated and high quality mental health services and full participation in the design and implementation of their care; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, declares Friday, May 8, 2009 as *National Children's Mental Health Awareness Day* and endorses occasions of the 2009 Children's Mental Health Awareness Week and Mental Health Month in May.

BE IT FURTHER RESOLVED that the Lansing City Council wishes to recognize the outstanding efforts of all involved in the success of *National Children's Mental Health Awareness Day*, including youth and families from Ingham County, Association for Children's Mental Health, Boys & Girls Club of Lansing, Capital Area United Health Authority C-E-I, Cristo Rey Community Center, Highfields, Ingham County Circuit Court/Family Division, Ingham County Department of Human Services, Ingham Intermediate School District, Lansing Police Department, Lansing School District, Lutheran Social Services/Michigan, Michigan Indian Child Welfare Agency, and St. Vincent Catholic Charities.

By Councilmember Wood

Motion Carried

Councilmember Wood spoke of the fabulous art that was displayed at last year's National Children's Mental Health Awareness Day event.

Katie Vandorn spoke about Impact System of Care and introduced two students present.

Lorie spoke about kids affected with mental illness.

Amber spoke about how Impact helped her.

Katie Vandorn spoke about how Impact brings families and youths together with agencies that can help them and she announced the upcoming Youth Art Show event. She stated that anyone who needs to contact Impact can do so by visiting Impactsystemofcare.org.

5. Presentation; Lansing Firefighters' Recognition of those who participated in the Fire Fighters one-day Ground Operation

Bryan Epling of the Lansing Fire Department spoke about the program and how Councilmember Allen spent the day in the life of a firefighter. He presented Councilmember Allen with a certificate of completion.

Councilmember Allen stated that the program was an eye opener but her time in the program was just a glimpse into the life of a firefighter.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Hewitt announced the next 1st contact meeting for residents of the 1st Ward.

Councilmember Wood spoke about Bingham Elementary School's

gavel and baton ceremony which held talks with elected officials. She stated that one of the children at the event asked her to remind citizens to clean up after their pets.

Councilmember Allen spoke about the Healing Flags event for child abuse victims. She thanked those who participated in the Susan Komen Race for the Cure.

Councilmember Robinson, as a proud graduate, congratulated the Everett High School Band on their 1st place finish in their division of the Chik-fil-A band competition. She spoke about upcoming budget hearings and congratulated the 21 new members of her sorority, Delta Sigma Theta. She especially congratulated Danielle Parsons.

Councilmember Dunbar announced an upcoming master planning meeting. She spoke about Impression 5 Museum's Give Camp where developers created software for non-profit organizations.

Councilmember Jeffries announced a fundraiser for the South Side Community Coalition.

City Clerk Swope reminded citizens of census workers verifying addresses. He stated that the deadline to file to run for a City office in the August Primary is two weeks away.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about selling the North Capitol Parking Ramp. He stated that Brian O'Boyle is the Employee of the Month for May 2009. He stated that the deadline to reject the recommendations from the Elected Officers Compensation Commission is this Wednesday. He spoke about General Motors' closing its Pontiac division and said his heart goes out to all of the laid-off workers. He spoke about President Obama's Cash for Clunkers program and about free trade.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of selling the North Capitol Parking Ramp building at 316 N. Capitol Avenue and the adjoining north-south alley between Ionia Street and Shiawassee Street to Lansing Community College
2. In consideration of an Application for Industrial Facilities Tax Exemption Certificate submitted by Bharat Forge America, Inc. for property located at 2807 S. Martin Luther King, Jr. Blvd.
3. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the Public Service Department for the Edgewood Blvd. Resurfacing Project

Councilmember Robinson gave a brief overview of Public Hearing #1.

Councilmember Jeffries gave a brief overview of Public Hearing #2.

Councilmember Kaltenbach gave a brief overview of Public Hearing #3.

Bob Johnson, Director of the Planning and Neighborhood Development Department gave an extensive overview of Public Hearing #1.

Loretta Stanaway of 546 Armstrong Rd. spoke in opposition to selling the North Capitol Parking Ramp.

Penny Gardner of 1035 Seymour Ave. spoke in support of selling the North Capitol Parking Ramp.

Stan Shuck of 818 Cooper Ave. spoke in opposition to selling the North Capitol Parking Ramp.

Chris Struger-Fritsch of Lansing Community College spoke in support of selling the North Capitol Parking Ramp.

Bob Gray of 422 Dadson Dr. spoke in opposition to selling the North Capitol Parking Ramp.

Gregory Frens of 330 N. Chestnut St. spoke in support of selling the North Capitol Parking Ramp.

Jason Green of 500 E. Michigan Ave. spoke in support of selling the North Capitol Parking Ramp.

John Lenhard of 15851 S. US 127 spoke in support of selling the North Capitol Parking Ramp.

Stephen Goodwin of 2807 S. Martin Luther King, Jr. Blvd. spoke in support of selling the North Capitol Parking Ramp.

Gina Nelson of 605 W. Shiawassee St. spoke in support of selling the North Capitol Parking Ramp.

Alicia Perez-Banuet of 804 W. Shiawassee St. spoke in support of selling the North Capitol Parking Ramp.

Kathi Raffone of 1221 Muskegon Ave. spoke in opposition to selling the North Capitol Parking Ramp.

Bill Petry of 1416 N. Genesee Dr. spoke in support of selling the North Capitol Parking Ramp.

Russell Terry of 121 E. Mt. Hope Rd. spoke in support of selling the North Capitol Parking Ramp.

Monica Zuchowski of 320 N. Walnut St. spoke in support of selling the North Capitol Parking Ramp.

Haris Sorovigas of 827 W. Hillsdale St. spoke in support of Z-10-08.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to selling the North Capitol Parking Ramp.

Carl Calille of 306 Harriet Ave. spoke in opposition to selling the North Capitol Parking Ramp.

John Pollard of 1718 Blair St. spoke in opposition to selling the North Capitol Parking Ramp and Z-10-08.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of selling the North Capitol Parking Ramp building at 316 N. Capitol Avenue and the adjoining north-south alley between Ionia Street and Shiawassee Street to Lansing Community College

REFERRED TO THE COMMITTEE OF THE WHOLE

2. In consideration of an Application for Industrial Facilities Tax Exemption Certificate submitted by Bharat Forge America, Inc. for property located at 2807 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the Public Service Department for the Edgewood Blvd. Resurfacing Project

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Loretta Stanaway of 546 Armstrong Rd. spoke about the City budget.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Ron Kruger of 3333 Moores River Dr. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about Edgewood Blvd.

Sue Ellen Brown of 1610 Bailey St. spoke about opening the City golf courses.

Bonnie Eastman of 1901 Vermont Ave. spoke about Riverfront Towers.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-115

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Support of West Saginaw Associate Level Michigan Mainstreet Designation

WHEREAS, the West Saginaw Commercial Association is proposing to request an Associate Level Michigan Mainstreet Designation along Saginaw Avenue in the City of Lansing, Michigan and has requested in writing that the City of Lansing support the application for this designation by the Michigan State Housing Development Authority; and

WHEREAS, the Applicant has committed to undertake the project,

WHEREAS, the project is consistent with local development and redevelopment plans, and is supported by the City in its efforts to leverage public stakeholder input and volunteerism, and

WHEREAS, the Lansing Economic Development Corporation pledges to assist the applicant with the proposed project to bring State of Michigan support to the West Saginaw Corridor; and

WHEREAS, the City of Lansing, per the conditions of the Michigan Mainstreet Program, will not be subject to any financial obligation as a

requisite of receiving the designation; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing supports the West Saginaw Commercial Association's application for an Associate Level Michigan Mainstreet Designation by the Michigan State Housing Development Authority.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-116

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor presented his budget to the Lansing City Council on Monday, March 23, 2009; and

WHEREAS, the City Charter provides that citizens be afforded the opportunity to comment on proposed city spending to the adoption of the annual City Budget; and

WHEREAS, Public Act 5 of 1982, as amended, provides that units, such as the City of Lansing, which are in compliance with Section 16 of the Uniform Budgeting and Accounting Act (P.A. 2 of 1968, as amended) must provide appropriate public notice that a public hearing will be held on the budget and on the property tax millage rate necessary to support the budget;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, sets a public hearing to be held on Monday, May 11, 2009, at 7:00 p.m. in the City Council Chambers on the 10th Floor of City Hall in consideration of the City of Lansing's FY 2009/2010 Budget.

By Councilmember Hewitt

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-117

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on April 27, 2009 and reviewed the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at 527 W. Hillsdale Street from "DM-4" Residential to "D-1" Professional Office District.

The Committee recommends approval of the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at 527 W. Hillsdale Street from "DM-4" Residential to "D-1" Professional Office District.

Signed: Brian Jeffries, Chairperson

Sandy Allen, Vice Chairperson

Derrick Quinney, Member

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

**THIS ITEM WAS RETURNED TO THE COMMITTEE ON
DEVELOPMENT AND PLANNING**

Adoption of Z-10-2008; Rezoning the property located at 527 W. Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building at this location for a law office and title insurance company
By Councilmember Jeffries

To recommit this Ordinance

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Recommending Denial of a request by Fuentes, LLC to Transfer Ownership of a 2005 Class C Licensed Business with Dance Entertainment, Located in Escrow at 1138-40-42-1146 S. Washington Ave., Lansing, MI 489110, Ingham County, From Cooper Corporation to Fuentes, LLC; with license to remain in Escrow based on the recommendation of the City Treasurer

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Authorization of Issuance of Bonds for Capital Improvement

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Action Plan 2010 – Proposed Community Development Block Grant Activities and Use Fund

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Application for Industrial Facilities Tax Exemption Certificate submitted by Bharat Forge America, Inc. for property located at 2807 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Notice from the State of Michigan Public Service Commission of a public hearing for the electric customers of Consumers Energy Company Case U-15415-R to be held on May 5, 2009

RECEIVED AND PLACED ON FILE

- b. Michigan Tax Tribunal appeal filed on behalf of A&W Gershenson Corp. for property located at 5400 S. Cedar St.

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that Lansing's Dog Park is listed as a top ten dog park in the June 2009 issue of Dog Fancy magazine. He spoke about various parks projects in the works.

Council President Quinney announced upcoming budget hearings.

ADJOURNED TIME 10:05 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 4, 2009**



103

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmember Robinson

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of April 27, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

- Special Ceremonies
- 1. Tribute; Recognition of Teamsters and Chauffeurs Local 580 75th Anniversary

City Clerk Swope read the following Resolution:

RESOLUTION #2009-118

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Teamsters & Chauffeurs Local 580 was originally formed to help drivers, warehouse workers, and stablemen; and

WHEREAS, today the Union provides for workers from many fields ranging from "A to Z", including; trucking services, vending delivery and food services, American Red Cross, hospitals, uniform services, sales, schools, highway construction, and the lumber industry; and

WHEREAS, the Union's primary objectives are to:

- unite into one labor organization all workers eligible for membership; regardless of religion, race, creed, color, national origin, age, or sex
- engage in organizing workers and to provide services to those who are organized

- to secure improved wages, hours, working conditions, and other economic advantages through organization, negotiations and collective bargaining, through legal and economic means, and other lawful methods
- to provide educational advancement and training for employees, members and officers
- safeguard, advance, and promote the principle of free collective bargaining; the rights of workers, farmers, and consumers; and the security, and welfare of all the people by political, educational, and other community activity
- engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its membership, directly or indirectly
- provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization
- engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly
- protect and preserve the Union as an institution and to perform its legal and contractual obligations
- carry out the objectives of the International Union as an affiliate thereof and its duties as such an affiliate;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, extends its appreciation to the Teamsters & Chauffeurs Local 580 for their contributions in helping to build a solid foundation for families and the community here in Lansing. Congratulations on your 75th Anniversary!

By Councilmember Wood

Motion Carried

Councilmember Wood stated that the Teamsters formed in 1903 and they were the first organization to settle a contract with laundry working women. She said that the local Teamster chapter has 1,800 members and she thanked them for all of their hard work and congratulated them on their 75th Anniversary.

Mike Parker stated that it is an honor to represent his local chapter which was founded in 1934. He stated that they have always stood for racial and gender equality and he thanked the City Council for this honor.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Wood announced the next Genesee Neighborhood Association meeting.

Councilmember Jeffries announced a fundraiser for the South Side Community Coalition and he spoke about some of its programs.

Councilmember Allen announced the next Elmwood Farms neighborhood meeting.

Councilmember Dunbar announced the next Master Planning training classes.

Councilmember Wood announced the Friends of Lansing's Historic Cemeteries' flower give-away.

City Clerk Swope stated that Lansing Citizens in the Waverly and Holt school districts have school elections tomorrow. He thanked the National Pan-Hellenic Council of Lansing for allowing him to be a judge at their recent step show. He announced that the filing deadline to run for Mayor, City Council At-Large, City Council 2nd and 4th Wards, and for City Clerk is Tuesday, May 12, 2009 at 4:00 p.m. He spoke about census canvassing and the need to cooperate with the workers in order to ensure an accurate count. He announced the upcoming Lansing Branch of the ACLU's fundraiser. He stated that this past weekend that he attended the graduation ceremony of Siena Heights University where Chief Deputy City Clerk Reeves received his Bachelor of Arts degree.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the recent fire that destroyed Discount Dave's on Washington Ave. and commended the Fire and Police Departments for their efforts. He spoke about the Complete Count Committee for the census and asked that citizens cooperate with census workers. He announced the Cinco De Mayor holiday and the Capitol City Clean Sweep event. He stated that Estella Escamilla is the City of Lansing's employee of the month for May, 2009. He announced the Neighborhood Expo and Picnic, Letter Carriers National Food Drive and the upcoming Sesquicentennial Parade.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Stan Shuck of 818 Cooper Ave. spoke about Recognition of Teamsters and Chauffeurs Local 580 75th Anniversary.

Kathi Raffone of 1221 Muskegon Ave. spoke about vendor licenses.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bob Gray of 422 Dadson Dr. spoke about Edgewood Blvd.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Robert Engel of 335 N. Sycamore St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Bonnie Eastman of 1901 Vermont Ave. spoke about Riverfront Towers.

Stacey Merrick, homeless, spoke about the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Jonathan Braun, homeless, spoke about the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Chris Perry, homeless, spoke about the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Justin Sleight of 215 N. Capitol Ave. spoke about the homeless.

Loretta Stanaway of 546 Armstrong Rd. spoke about the City budget.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Chris Singer of 1915 Clifton Ave. spoke about the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Claude Beavers of 3010 Boston Blvd. spoke about the City golf courses.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Bryan Decker of 543 Edgewood Blvd. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-119

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit the Annual Consolidated Strategy and Plan Submission in order to receive Community Development fund resources, including Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) program funds, for the upcoming fiscal year 2009-2010; and

WHEREAS, the estimated CDBG, HOME and ESG entitlement amount allocated to Lansing for the upcoming fiscal year is \$2,852,158 estimated to be available from the CDBG & HOME Programs; and

WHEREAS, pursuant to program requirements, the City has conducted a citizen participation and open review process which has included planning and meetings with neighborhood groups, housing and supportive service providers, the State and neighboring local governments; and

WHEREAS, the City has further promoted participation, input and review in the process by conducting two (2) separate advertised public hearings before the Lansing Planning Board, one on November 5, 2008 regarding housing and community development needs and one on January 6, 2009 regarding proposed Annual CSPS program objectives and projected use of Federal entitlement and formula program funds; and

WHEREAS, the City did also initiate and carry out the required thirty (30) day public comment period on the proposed Five-Year and Annual CSPS by publishing a summary of the plan in the City Pulse on, March 4, 2009; and

WHEREAS, a public hearing was held by the Lansing City Council on April 13, 2009, to again receive citizen comments and recommendations and to give final review to the Annual CSPA; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's Annual CSPA application;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Five-Year and Annual Consolidated Strategy and Plan Submission for the City of Lansing that includes housing and community development goals, objectives and strategies, and the budget for the use of community development fund resources for fiscal year 2009-2010 as proposed by the Committee on Development and Planning; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, is hereby authorized to sign the Annual CSPA application for FY 2009-2010, including all understandings, assurances and certifications contained therein, and to submit the grant application to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to provide any and all information, to act in connection with the Annual CSPA application and to execute all agreements, contracts and legal documents, including the Agreement between the City and the Department of Housing and Urban Development, to secure funds and implement the CSPA program.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-120

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ingham County Triad, Seniors and Law Enforcement Together has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, recognizes Ingham County Triad, Seniors and Law Enforcement Together as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED, the City Clerk is requested to provide a copy of this resolution to Traci Ruiz, Ingham County Triad, Seniors and Law Enforcement Together, P.O. Box 26182, Lansing, Michigan 48909.

By Councilmember Kaltenebach

Motion Carried

RESOLUTION #2009-121

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Native American Arts and Crafts Council has requested \$1,000 to defray costs associated with the Riverbank Traditional Pow Wow, Native American Cultural event to be held on Friday, June 19, Saturday, June 20, and Sunday, June 21, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 27, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves an allocation of \$500.00 from the Community Promotion Account to the Native American Arts and Crafts Council to defray costs associated with the Riverbank Traditional Pow Wow, Native American Cultural event to be held on Friday, June 19, Saturday, June 20, and Sunday, June 21, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Native American Arts and Crafts Council shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenebach

Motion Carried

RESOLUTION #2009-122

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from The Chrome Cat, LLC to Transfer Ownership of a 2008 Class C Licensed Business with Dance-Entertainment Permits, located at 226 E Grand River, Lansing, Michigan 48906 from Thatzit, Inc., to The Chrome Cat, LLC; and

WHEREAS, the Committee on General Service met on Monday, April 27, 2009, to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from The Chrome Cat, LLC to Transfer Ownership of a 2008 Class C Licensed Business with Dance-Entertainment Permits, located at 226 E Grand River, Lansing, Michigan 48906 from Thatzit, Inc., to The Chrome Cat, LLC;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenebach

Motion Carried

RESOLUTION #2009-123

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the application for a license to sell or offer to sell retail fireworks filed by B.J. Alan on behalf of K-Mart, Store #4382, located at 5400 S. Cedar Street was referred to the Committee on General Services; and

WHEREAS, the application has been previously approved by the appropriate departments within the City of Lansing; and

WHEREAS, B.J. Alan and K-Mart, Store #4382, agree that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

NOW, THEREFORE, BE IT RESOLVED, the application for a license to sell or offer to sell retail fireworks filed by B.J. Alan on behalf of K-Mart, Store #4382, located at 5400 S. Cedar Street is approved;

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2010, as set forth in the City of Lansing Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-124

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Lansing Codified Ordinance Chapter 844, Section 844.01 et seq, an applicant for a canvasser, peddler, or itinerant merchant license must meet certain requirements to qualify for a license; and

WHEREAS, the ordinance requires the Chief of Police and the City Treasurer to conduct an investigation to determine whether a license applicant meets the ordinance criteria; and

WHEREAS, the ordinance authorizes the Lansing City Council to establish, by resolution, a fee to reimburse the City for the cost of the investigation; and

WHEREAS, the ordinance additionally authorizes the Lansing City Council to establish, by resolution, a license fee; and

WHEREAS, the Committee met on Monday, April 27, 2009, and reviewed costs associated with processing an application for a canvasser, peddler, or itinerant merchant license and determined that the current license fee and investigation fee be modified;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Ordinance Section 844.01 et seq of Chapter 844, each license requiring a background investigation shall be required to pay \$25.00 to the City Clerk for each and every person to be licensed;

BE IT FURTHER RESOLVED that pursuant to Ordinance Section 844.01 et seq of Chapter 844, the license fee for an itinerant merchant shall be \$75.00 for each and every location from which goods are to be sold;

BE IT FURTHER RESOLVED that pursuant to Ordinance Section 844.01 et seq of Chapter 844, the license fee for a canvasser or peddler shall be \$75.00 for the first individual licensed by a each company or organization and \$10.00 for each and every additional individual licensed by such company or organization.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-125

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Resolution #690 of December 17, 1990, requires the administration to submit golf and athletic league fee change recommendations so that fees may be considered for approval prior to program implementation; and

WHEREAS, additional revenues are necessary for the Golf Fund to not receive General Fund subsidy; and

WHEREAS, in an effort to encourage more golf participation by offering season pass opportunities for all residents; and

WHEREAS, the Committee has concurred with the recommendation of the Mayor for the golf fee changes and establishing season pass

opportunities;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council approves the fees as stated below in this resolution, effective on the date of passage of this resolution.

	Current	Proposed
<u>Season Discount Pass</u>		
Individual	N/A	\$650
Family	N/A	\$1200
<u>Cart Season Pass</u>		
	\$400	\$350
<u>Driving Range Pass</u>		
	N/A	\$350
<u>Driving Range add on to season Pass</u>		
		\$250
<u>Season Driving Range Pass First Tee Members</u>		
	N/A	\$175
Golf Cart Fee (discount time)	\$6.00	\$7.00
18 HOLES	\$12.00	\$14.00
Golf Cart Fee (non-discount time)	\$8.00	\$7.00
18 HOLES	\$16.00	\$14.00

By Councilmember Wood

Motion Carried

RESOLUTION #2009-126

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, fees for services are to be approved by Lansing City Council; and

WHEREAS, the Parks and Recreation Department desires to make a program of recreation services available to the citizens of Lansing; and

WHEREAS, the Parks and Recreation Department desires to offer these services at fees that recover the costs of providing these services;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, approves the fee schedule as stated below in this resolution, effective on the date of passage of this resolution for Recreation Equipment and Services:

INFLATABLE SPORTS ARENA

	Resident Use within City Limits Non-resident Use or Resident Use Outside City Limits		
PROPOSED FEES	City Limits	Use Within City Limits	Outside City Limits
2 hours of use (Leisure staff setup)	\$150		\$225
Additional hours of use	\$50		\$75
*If site is beyond a half hour add \$15.00 for every additional 15 minutes travel time.			
Priority will be given to resident set-up within the city limits.			
Non-staff option (customer pickup)			
Up to 8 hours use	\$175		\$260
24 hours use	\$225		\$340

By Councilmember Wood

Motion Carried

RESOLUTION #2009-127

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

Police Administration

\$ 665.00 from Donations Revenue
101.0.675012.0

\$ 665.00 to Administration Problem-Solving Overtime
101.343201.708103.0

(To appropriate Ruth Hallman donations revenue to support Problem Solving Overtime efforts in the Lansing Police Department).

By Councilmember Wood

To recuse Councilmember Wood for possible conflict of Interest

Motion Carried

By Councilmember Wood

To place an affirmative role on the resolution

Motion Carried (Councilmember Wood Abstaining)

RESOLUTION #2009-128

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

Forfeiture Fund

Drug Law Enforcement - Special Operations

\$18,342.00 from Fund Balance 265.0.679100.0

\$12,360.00 to Equipment/portable cameras 265.343254.977000.0

\$ 5,982.00 to Equipment < \$5,000 forensic cell265.343254.977101.0
phone data extraction system

(To provide for acquisition and operation of covert camera systems and forensic cell phone data extraction systems.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-129

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Public Service Department of the City of Lansing received confirmation from the Michigan Department of Transportation of our selection to receive a Transportation Enhancement grant (Job Number 103418 A) totaling \$200,000 for the Grand Avenue Streetscape Project; and

WHEREAS, the proposed streetscape project will enhance the Grand Avenue Corridor by installing safer sidewalks, highlighted pedestrian crossings, and compliment new developments by creating a walkable corridor for businesses and new residents to enjoy; and

WHEREAS, the Mayor's Downtown 2020 Task Force recommended that pedestrian based and beautification based elements be installed to improve the overall downtown design and function; and

WHEREAS, the Public Service Department will fund the remaining

construction project cost not covered by the grant, estimated to be \$600,000, using funds commensurate with the improvements being made; and

WHEREAS, the Public Service Department recognizes the importance of the continued maintenance of these and other enhancements and has committed to owning, operating, and implementing a maintenance plan/program over the design life of the facility constructed with the traffic enhancement funding and has budgeted specific monies to ensure the continued maintenance of the enhancements; and

WHEREAS, Dan Danke, P.E., a Staff Engineer for the Public Service Department, will act as the agent on behalf of the Grand Avenue Enhancement project; and

WHEREAS, Chad A. Gamble, P.E., Director of Public Service is authorized to sign a project agreement upon receipt of a funding award; and

WHEREAS, the Administration and the City Council recognize the importance of the Grand Avenue Enhancement improvements that coordinate the development of the right-of-way adjacent to the Accident Fund, Capitol Club Tower, and the State Police Headquarters sites;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves acceptance of the Michigan Department of Transportation Enhancement grant for the purposes of funding of environmental, aesthetic, and safety related improvements to the Grand Ave. corridor;

BE IT FINALLY RESOLVED, the Administration is authorized to receive the funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the grantor.

By Councilmember Wood

Motion Carried

REPORTS FROM COUNCIL COMMITTEES**RESOLUTION #2009-130
COMMITTEE REPORT**

THE COMMITTEE ON GENERAL SERVICES held a meeting on Monday, April 27, 2009, in which to consider the ordinance amendment to Chapter 844, Sections 844.01 through 844.19 of the City of Lansing Codified Ordinances by providing for approval of Canvasser, Street Peddler, and Itinerant Merchant licenses by the City Clerk as opposed to the City Council, by removing the exemption provision and by deeming violation of this Chapter a Municipal Civil Infraction.

The Committee recommends adoption of the amendment ordinance to Chapter 844, Sections 844.01 through 844.19 of the City of Lansing Codified Ordinances by providing for approval of Canvasser, Street Peddler, and Itinerant Merchant licenses by the City Clerk as opposed to the City Council, by removing the exemption provision and by deeming violation of this Chapter a Municipal Civil Infraction.

By the Committee on General Services

Signed: Tim Kaltenbach, Chair
A'Lynne Robinson, Vice Chair
Derrick Quinney, Member

May 4, 2009

By Councilmember Kaltenbach

To Receive this Committee Report

Motion Carried

RESOLUTION #2009-131
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY held a meeting on April 29, 2009, and the Committee received an update on the status of the surveillance cameras used within the City of Lansing and the possibility of having a surveillance camera installed in the North Cemetery. Due to the numerous trees, a surveillance camera would not be an effective method of monitoring that area. In consideration of alternative options, LPD recommended placing signage that would reward individuals for information leading to the arrest and conviction of vandals.

The Committee supports the Lansing Police Department's recommendation. LPD will work with the Park and Recreation and Law departments to develop the appropriate signage.

Signed: Sandy Allen, Chairperson
Carol Wood, Vice Chairperson
Eric Hewitt, Member

By Councilmember Allen

To Adopt this Committee Report

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Kaltenbach

That we move to the passage of Ordinances

By Councilmember Kaltenbach

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES

By Councilmember Kaltenbach

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction be placed on order of immediate passage.

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An Ordinance of the City of Lansing, Michigan, to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction be now passed.

YEAS: Councilmember Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney and Wood

NAYS: None

ABSENT: Councilmember Robinson

By Councilmember Kaltenbach

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC, PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1139

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 844, SECTIONS 844.01 THROUGH 844.19, OF THE LANSING CODIFIED ORDINANCES BY PROVIDING FOR APPROVAL OF CANVASSER, STREET PEDDLER, AND ITINERANT MERCHANT LICENSES BY THE CITY CLERK AS OPPOSED TO CITY COUNCIL, BY REMOVING THE EXEMPTION PROVISION, AND BY DEEMING VIOLATION OF THIS CHAPTER A MUNICIPAL CIVIL INFRACTION.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 844, Sections 844.01 through 844.19, of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby amended to read as follows:

844.01. Definitions.

As used in Sections 844.01 to 844.18 ~~844.19~~, unless otherwise provided:

Canvasser or *solicitor* means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether or not he or she is collecting advance payments on such sales. "Canvasser" or "solicitor" includes any person who, for himself or herself or for another, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or other place in the City for the sole purpose of exhibiting samples and taking orders for future delivery.

Peddler means and includes any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden trucks or farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or, without traveling from place to place, selling or offering the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance. A person who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of Sections 844.01 to 844.18 ~~844.19~~ shall be deemed a peddler. "Peddler" includes "hawker" and "huckster."

Transient merchant, itinerant merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car,

boat, hotel room, lodging house, apartment, shop, street, alley or other place in the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with Sections 844.01 to 844.18 ~~844.19~~ merely by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader, merchant or auctioneer.

844.02. License required.

No person shall engage in the business of peddler, solicitor, canvasser, transient merchant, itinerant merchant or itinerant vendor in the City without first obtaining a license therefor as provided in Sections 844.01 to 844.18 ~~844.19~~, UNLESS ENGAGING IN SUCH BUSINESS IN CONNECTION WITH A SPECIAL EVENT FOR WHICH A PERMIT HAS BEEN OBTAINED THROUGH THE PARKS AND RECREATION DEPARTMENT.

844.03. Exemptions.

~~(a) Requirements for Exemption. The licensing provisions of Sections 844.01 to 844.19 shall not apply to peddlers, solicitors or transient tradesmen representing a company, firm, corporation or partnership which:~~

~~(1) Subscribes to and is bound by a policy statement, code or regulation established by the company, firm, corporation or partnership individually, or subscribes to the policy statement, code or regulation of a recognized trade association of which the applicant company, firm, corporation or partnership is a member in good standing, which policy statement, code or regulation requires:~~

~~A. That the offer of products or services for sale, either through oral representation or advertising literature, shall be truthful and accurate as to price, grade, quality, make, value, performance, quantity, currency of model and availability;~~

~~B. That the terms of any guaranty offered by the seller in connection with the sale shall be furnished to the buyer in writing and shall clearly state the nature and extent of such guaranty; and~~

~~C. That the policy statement, code or regulation prohibit the initiation or continuation of any deceptive or unlawful trade practice as defined by any statute or ordinance in force and effect in the City;~~

~~(2) Recognize a responsibility to consumers for violations of either its policy statement, code or regulation or deceptive and/or unlawful trade practice statutes by its solicitors or representatives, even if the company had no knowledge of such violation, when such lack of knowledge is the result of failure by the company to establish procedures whereby it would be kept informed of the activity of its solicitors and representatives; and~~

~~(3) Has established a procedure for processing consumer complaints within a reasonable time and providing consumer redress if, after the fact finding is completed, it is determined that the consumer was aggrieved by a violation of the policy statement, code or regulation or a statutory deceptive or unlawful trade practice.~~

~~(b) Applications. An application for the exemption provided in paragraph (a)(1) hereof shall be completed by filing the following with the City Clerk for approval of Council:~~

~~(1) Five current copies of the policy statement, code or regulation which meets the requirements as specified in paragraph (a)(1) hereof; and~~

~~(2) The name of the company, firm, corporation or partnership subscribing thereto, complete with the address, telephone number and name of the executive within the company, firm, corporation or partnership designated to administer the policy statement, code or regulation; in the case of a trade association policy statement, code or regulation, the association must submit such required information for each of its member companies which desires an exemption under paragraph (a)(1) hereof, along with the name of the person, officer, agent or employee in charge of administering the trade association's~~

~~policy statement, code or regulation program.~~

~~(c) Processing of Complaints.~~

~~(1) Upon receipt of a consumer complaint against a company, firm, corporation or partnership having an exemption as provided in this section, the City Clerk shall forward the information surrounding the complaint to the person, officer, agent or employee designated by the company, firm, corporation, partnership or trade association on its exemption application to receive such complaints. The complaint information thus forwarded shall contain the following:~~

~~A. The name and address of the consumer;~~

~~B. The name or trade name of the product purchased;~~

~~C. The name of the firm, corporation or partnership which manufactures and/or distributes the product, if such name differs from the trade name of the product itself;~~

~~D. The name of the sales representative involved in the transaction, if known;~~

~~E. The purchase date, if known; and~~

~~F. The identifying contract or receipt number, if available.~~

~~(2) Upon receipt of a consumer complaint or an official complaint against a company, firm, corporation or partnership having an exemption, which complaint does not involve a sale but alleges a violation of a deceptive or unlawful trade practice statute in force and effect in the City, the City Clerk shall forward the information surrounding the allegation to the person, officer, agent or employee designated by the company, firm, corporation, partnership or trade association on its exemption application to receive such complaints.~~

~~(3) Each company, firm, corporation or partnership, or a trade association authorized to act for such company, firm, corporation or partnership, receiving an exemption, shall file a written statement with the City Clerk containing the disposition of any written complaint against such company forwarded to it by the City Clerk. The statement shall include the findings of fact upon which the action taken is based. It shall be filed with the City Clerk within a reasonable time which, for purposes of this section, shall be defined as 20 business days from the date of receipt of such written complaint by the person, officer, agent or employee designated by the company, firm, corporation, partnership or trade association to receive such material.~~

~~(d) Loss of Exemption.~~

~~(1) Any company, firm, corporation or partnership receiving an exemption as provided for in this section, which company, firm, corporation or partnership fails to honor the provisions of the policy statement, code or regulation upon which such exemption was granted, or violates any of the other requirements for obtaining and maintaining such exemption, shall have the exempt status of that company, firm, corporation or partnership suspended for not less than one year.~~

~~(2) The authority to revoke the exempt status shall be at the discretion of Council which shall consider the following criteria in making that determination:~~

~~A. Failure by the company to file any response with the City Clerk concerning a consumer complaint forwarded by the City Clerk to the person, officer, agent or employee designated by that company to receive such information;~~

~~B. Failure to return money or replace products which were received by the consumer in a defective condition;~~

~~C. Failure to deliver products ordered by the consumer. A pattern of failure to deliver ordered goods without adequate explanation shall constitute grounds for automatic revocation. For purposes of this section, a pattern shall be defined as ten instances of failure to deliver with out explanation.~~

~~D. Failure to correct or adequately explain repeated allegations of violations of statutory deceptive or unlawful trade practices in force and effect in the City by the company, firm, corporation, partnership or trade association, or violations of the policy statement, code or regulation filed with the City as part of the exemption application, even where a sale did not result, when such allegations have been forwarded by the City Clerk to the person, officer, agent or employee designated by that company, firm, corporation, partnership or trade association to receive such material.~~

~~(3) Prior to a revocation of exemption becoming final, the City Clerk~~

shall give written notice, at least 15 business days in advance of the effective date thereof, to the company, firm, corporation or partnership, informing it of the effective date of revocation of exempt status for that company. Such notice shall include findings upon which the determination was based and shall state that such company can appeal the determination to revoke the exempt status by filing a notice of review with the City Clerk not later than ten business days after receipt of the notice of revocation.

~~(e) Review of Revocation.~~

~~(1) The determination of Council to revoke the exempt status of a company, firm, corporation or partnership, as provided for in subsection (d) hereof, shall be subject to review. An appeal is perfected if such company, firm, corporation or partnership, within ten business days after receipt of the notice of revocation, files a written petition for review with the City Clerk.~~

~~(2) Upon receipt of a petition for review, the City Clerk shall set a hearing date within 15 days, at which time the petitioner may present written and oral testimony and evidence contesting the revocation of exempt status to Council. The City Clerk shall submit to Council the findings upon which the proposed revocation was made.~~

~~(3) The City Clerk shall notify the petitioning company, firm, corporation or partnership of Council's decision to either revoke or continue the exemption within ten days from the date of the review hearing.~~

~~844.04. 844.03. License applications.~~

~~(a) Applicants for licenses under Sections 844.01 to 844.18 shall file with the City Clerk a sworn application, in writing, in triplicate, on forms to be furnished by the City Clerk, which application shall give the following information:~~

~~(1) The name and a description of the applicant, INCLUDING THE TYPE OF LICENSE FOR WHICH AN APPLICATION IS SOUGHT (PEDDLER'S LICENSE, TRANSIENT MERCHANT'S LICENSE, OR CANVASSER'S OR SOLICITOR'S LICENSE);~~

~~(2) The applicant's address (legal and local);~~

~~(3) A brief description of the nature of the business and the goods to be sold, and, in the case of products of a farm or orchard, a statement as to whether the products are produced or grown by the applicant;~~

~~(4) If the applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship;~~

~~(5) The length of time for which the right to do business is desired;~~

~~(6) If a vehicle is to be used, a description of the same, together with the license number or other means of identification;~~

~~(7) Three photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;~~

~~(8) The fingerprints of the applicant;~~

~~(9) A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor; and~~

~~(10) A statement by a reputable physician of the City, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease.~~

~~(10) A STATEMENT THAT THE APPLICANT HAS OBTAINED ALL OTHER APPROPRIATE LICENSES OR CERTIFICATIONS REQUIRED BY LAW TO CONDUCT THE APPLICANT'S BUSINESS.~~

~~At the time of filing the application, a fee as set by resolution of Council shall be paid to the City Clerk to cover the cost of investigation. Such fee shall be in addition to the license fees provided for in Section 844.06.~~

~~844.05. The applicant shall file with the completed application a copy of any form contracts to be used in the course of his or her business under Sections 844.01 to 844.18.~~ ~~844.19. (Adopting Ordinance)~~

~~(b) An applicant for a license to do business as a solicitor or canvasser shall, in addition to supplying the information required by subsection (a) hereof, file a statement showing the place where the goods or property proposed to be sold, or for the sale of which orders will be taken, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.~~

~~(c) An applicant for a license to do business as a transient merchant shall, in addition to supplying the information required by subsection (a) hereof, file a statement showing:~~

(1) The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City; the local address of such person while engaged in such business; the permanent address of such person; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;

(2) The place in the City where it is proposed to carry on the applicant's business, WHICH PLACE SHALL NOT BE WITHIN 300 FEET OF A PERMANENT BUSINESS DEALING IN THE SAME GOODS;

(3) The place, other than the permanent place of business of the applicant, where the applicant, within the six months preceding the date of such application, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(4) The nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the City; the invoice value and quantity of such goods, wares and merchandise; whether the same are proposed to be sold from stock in possession, from stock in possession and by sample, at auction, by direct sale or by the taking of orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time the application is filed;

(5) The nature and character of the advertising done or proposed to be done in order to attract customers. If required by the City Clerk, copies of all such advertising, whether by handbills, circulars, newspaper advertising or otherwise, shall be attached to such application as exhibits thereof.

(6) Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as such representative; and

(7) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business, or as to the method or plan of doing such business, as the City Clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good.

~~844.06. 844.04. Investigations; license issuance or denial.~~

~~(a) Upon receipt of an application for a license required by Sections 844.01 to 844.18, the original and one copy shall be referred to the Chief of Police AND THE CITY TREASURER, who shall cause such investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good.~~

~~(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, The Chief of Police AND THE CITY TREASURER shall endorse on such application his or her APPROVAL OR disapproval and reasons for the same, BASED UPON THE RESULTS OF THEIR INVESTIGATIONS, and return the application to the City Clerk who shall forward such application to Council, along with his or her recommendations to Council, based on the investigation by the Chief of Police, for Council's approval or disapproval of the license application. For purposes of Sections 844.01 to 844.18, character or business responsibility shall include, but not be limited to, those items of cause for license revocation contained in Section 844.16.~~

~~(c) If, as a result of such investigation, the applicant's character or business responsibility is found to be satisfactory, the Chief of Police shall endorse on the application his or her approval and return the same to the City Clerk who shall forward the original application to Council, along with his or her recommendation and that of the Chief of Police, for Council's approval or disapproval of the license application. If such application is approved by Council, the City Clerk shall immediately, upon payment of the prescribed fee, issue the license and deliver to the applicant his or her license certificate. Such certificate shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee,~~

the class of license issued, the kinds of goods to be sold thereunder, the amount of fee paid, the date of issuance, the length of time the same shall be operative and the license number and other identifying description of any vehicle used in the business, AND THE LOCATION WHERE THE APPLICANT'S BUSINESS IS PERMITTED. The City Clerk shall keep a permanent record of all licenses issued. One copy of the application shall be returned to the Chief of Police for his or her files. (d) If Council denies such application THE APPLICATION IS DENIED, the City Clerk shall notify the applicant thereof by registered or certified mail, return receipt requested, postage prepaid, sent to the applicant's address as stated on such application. The notice of denial shall include a statement of the reasons therefor. GROUNDS FOR DENIAL SHALL BE THE SAME AS THE GROUNDS FOR REVOCATION LISTED IN SECTION 844.14(a).

~~844.05.~~ 844.05. License fees.

(a) *Establishment by Council.* Fees for licenses required by Sections 844.01 to 844.18 ~~844.19~~ shall be as established by resolution of Council. (~~Adopting Ordinance~~)

(b) *Exemption.* No fee shall be required of one selling products of a farm or orchard, which products are actually produced by the seller.

(c) *Basis.* For the purpose of Sections 844.01 to 844.18 ~~844.19~~, any period of seven calendar days or less shall be considered one week; AND any period of more than seven calendar days and not more than 30 calendar days shall be treated as one month; ~~and any period of more than 30 calendar days and not more than one calendar year shall be treated as one year. Annual fees established by Council shall be assessed on a calendar year basis and on and after November 1 the amount of the fee for such annual licenses shall be one half of the amount stipulated for the remainder of the year.~~

~~844.07.~~ 844.06. Issuance and display of license plates and badges.

(a) The City Clerk shall issue A PHOTO IDENTIFICATION BADGE to each licensee for peddling, soliciting and canvassing, at the time of delivery of his or her license certificate, ~~two license plates for each vehicle to be used, plus a metal badge for each individual licensed under Sections 844.01 to 844.19. The license plates or badges shall bear the words "Licensed Peddler," the period for which the license is issued, and the number of the license in letters and figures plainly discernible, AND A PHOTOGRAPH OF THE LICENSEE. License plates shall be attached to the vehicle used by the licensee, either on both sides of the vehicle so used or on the front and rear thereof. Such badges shall be worn constantly DISPLAYED CONSPICUOUSLY by the licensee on the front of his or her hat or outer garment in such a way as to be conspicuous during the time the licensee is engaged in peddling.~~

(b) Licenses issued to transient merchants under Sections 844.01 to 844.18 ~~844.19~~ shall be posted conspicuously in the place of business named therein. If a person applying for such license desires to do business in more than one place in the City, a separate license may be issued for each place of business and shall be posted conspicuously in each place of business.

~~844.08.~~ 844.07. Transferability of licenses and badges.

(a) No license or badge issued to a peddler, solicitor or canvasser under Sections 844.01 to 844.18 ~~844.19~~ shall be used or worn at any time by any person other than the one to whom it was issued.

(b) No license issued to a transient merchant shall be transferred without written consent therefor from THE CITY CLERK ~~Council~~, as evidenced by an endorsement on the face of the license by the City Clerk showing to whom the license is transferred and the date of the transfer.

~~844.09.~~ 844.08. Sound amplifying systems prohibited; exception.

No person licensed under Sections 844.01 to 844.18 ~~844.19~~, nor any person in his or her behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. This section shall not apply to street musicians as defined in Section 864.01- OR TO ICE CREAM PEDDLERS LICENSED UNDER SECTIONS 844.20 – 844.26.

~~844.10.~~ Use of streets.

~~Any applicant aggrieved by the action of the City Clerk in the denial of a license of an outdoor gathering, may appeal to Council by filing, within 44 days after notice of the denial has been mailed to the applicant's address contained on the application, a written statement setting forth~~

~~fully the grounds for the appeal. Upon appeal to Council, the matter shall be referred to the general services committee for consideration. The Committee shall set a time and place for a hearing on such appeal and notice of such hearing shall be given by registered or certified mail. After reviewing the appeal, the General Services Committee shall make a recommendation to the Council for final decision. The decision of Council on such appeal shall be final and conclusive.~~

~~844.11.~~ 844.09. License exhibition.

Persons licensed under Sections 844.01 to 844.18 ~~844.19~~ are required to exhibit their licenses at the request of any resident.

~~844.12.~~ 844.10. Enforcement by police officers.

(a) Any police officer of the City shall require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his or her peddler's, canvasser's or solicitor's license, and shall enforce the provisions of Sections 844.01 to 844.18 ~~844.19~~ against any person found to be violating the same.

(b) Police officers of the City shall examine all places of business and persons in their respective territories subject to Sections 844.01 to 844.18 ~~844.19~~ to determine if such sections have been complied with and shall enforce the provisions of such sections against any person found to be violating the same.

~~844.13.~~ 844.11. Records.

(a) The Chief of Police shall report to the City Clerk all convictions for violations of Sections 844.01 to 844.18 ~~844.19~~, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

(b) The City Clerk shall deposit the record of fingerprints of the licensee, together with his or her license number, with the Chief of Police.

~~844.14.~~ 844.12. Hours of operation.

No peddler, solicitor or canvasser shall engage in such business in the City after 8:00 p.m. OR SUNSET, WHICHEVER IS EARLIER, and before 9:00 7:00 a.m. of any day; , EXCEPT WHEN DONE SO IN COMPLIANCE WITH A POLICY OF THE PRINCIPAL SHOPPING DISTRICT, FOR WHICH A PROPER LICENSE IS REQUIRED.

~~844.15.~~ 844.13. Bond.

No peddler, solicitor or canvasser shall engage in such business, and no license therefor shall be issued by the City Clerk, unless there is on file an indemnity bond with the City Clerk in the penal amount of \$1,000.00 to indemnify the City for any and all damage to public property of any kind, and conditioned that the licensee will pay to the City all fines and penalties which may be assessed against the licensee for a breach of any ordinance relating to the business carried on by such person, and conditioned, further, that such licensee will fulfill any obligation to a resident of the State, which obligation is incurred as a result of the operation of such licensee in the City.

~~844.16.~~ 844.14. License revocation.

(a) Licenses issued under Sections 844.01 to 844.18 ~~844.19~~ may be revoked by Council, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the business of peddler;
- (3) Any violation of any of the provisions of Sections 844.01 to 844.18 ~~844.19~~;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or
- (5) Conducting the business of peddler, solicitor, canvasser or transient merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, postage prepaid, to the licensee at his or her last known address at least five days prior to the date set for the hearing.

~~844.17.~~ 844.15. Appeals.

Any person aggrieved by the action of Council in the denial of a license, as provided in Section ~~844.06~~ 844.04, may appeal to Council. Such appeal shall be taken by filing with Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner provided in Section ~~844.16~~ 844.14(b) for notice of a hearing on revocation. The decision and order of Council on such appeal shall be final and conclusive.

~~844.13.~~ 844.16. Peddling or soliciting in parks.

(a) No license shall be issued for peddling or soliciting in any areas controlled by the Parks and Recreation Department. No hawking, peddling or soliciting shall be allowed, and no article shall be exposed or offered for sale or barter, within any park, recreation area, public place or boulevard under the control of the Department, except by Department employees or by concessions for which permits have been issued.

(b) No person, whether licensed under Sections 844.01 to 844.18 ~~844.19~~ or Chapter 1066 of the Streets, Utilities and Public Services Code, shall sell, hawk, vend, peddle, solicit or otherwise distribute any food or other items in the area contained within the following boundaries:

- (1) That portion of North Grand Avenue between East Saginaw Street and East Shiawassee Street;
- (2) That portion of East Saginaw Street between North Grand Avenue and North Cedar Street;
- (3) That portion of North Cedar Street between East Saginaw Street and East Shiawassee Street; and

(4) That portion of East Shiawassee Street between North Grand Avenue and North Cedar Street.

This prohibition shall also apply to the areas known as the City Market parking lot and Mill Street, during any festival, show or fair which is sponsored or co-sponsored by the City and held in Riverfront Park, unless the person has first obtained a license therefor from the City Clerk's office. Council may establish a fee schedule for such licenses by resolution. The City Clerk shall obtain the approval of the Department prior to the issuance of the license. In addition, the Department shall recommend, and Council shall review and approve, any rules or regulations concerning the issuance of licenses, denial of licenses and revocation of approved licenses. The licenses may be made conditional upon location.

(c) Any applicant denied a license to operate within the areas described in subsection (b) hereof may appeal the denial to Council.

~~844.13.~~ 844.17. License expiration.

All annual licenses issued under Sections 844.01 to 844.18 ~~844.19~~ shall expire ONE YEAR FROM THE DATE ON WHICH THEY ARE ISSUED. ~~on April 30 of each year.~~ A license, other than an annual license, shall ~~expire on the date specified in the license.~~

844.18. PENALTY.

WHOEVER VIOLATES ANY OF THE PROVISIONS OF THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AND SHALL BE SUBJECT TO THE CIVIL FINE PROVIDED IN SECTION 203.06 OF THESE CODIFIED ORDINANCES, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(c)(2).

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. FY 2009 3rd Quarter General Fund Status Report

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Substantial Amendment — Action Plan, 7/1/08-6/30/09 — Homeless Prevention and Rapid Re-Housing (HPRP) Information Packet

REFERRED TO THE COMMITTEE OF THE WHOLE

- iii. Appointments to Boards and Authorities

REFERRED TO THE COMMITTEE OF THE WHOLE

- Communications and Petitions, and Other City Related Matters:

- a. Letter from Comcast Cable providing notice of channel lineup changes effective May 27, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- b. Application for Community Funding submitted by Churchill Downs Community Association for its Carnival Picnic to be held June 20, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Michigan Tax Tribunal appeal filed on behalf of Ford Leasing Development Co. for property located at 6540 S. Cedar St.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Claims Appeals submitted by:

- i. David Pizana for property located at 217 E. South St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- ii. Rev. LaSandra Jones for property located at 1225 Dakin St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- iii. Richard and Julieta Cole for property located at 712 Randall St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- e. Request for refund of Grass and Weeds Special Assessment fee submitted by Karl Glarner for property located at 4404 Ballard Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to look into a matter regarding an overflowing dumpster in an ally behind Washington Sq. south of Kalamazoo St.

Jerry Ambrose stated that there was no required Public Hearing to consider the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet. He said that written comments were the only requirement.

Councilmember Allen asked Jerry Ambrose if in fact a Public Hearing was not set to consider the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet and he stated that was correct.

By Councilmember Allen

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Allen; Setting a Public Hearing for May 11, 2009 in consideration of the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet

The City Council returned to the order of:

RESOLUTIONS

RESOLUTION #2009-132

BY COUNCIL MEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF LANSING

WHEREAS, the Lansing City Council desires to hold a public hearing to consider the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be and hereby is scheduled for Monday, May 11, 2009 at 7:00 p.m. in City Council Chambers, 100' Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933.

By Councilmember Allen

Motion Carried

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the upcoming City of Lansing Sesquicentennial Parade and the proposed sale of the North Capitol Parking Ramp to Lansing Community College.

Councilmember Kaltenbach stated that there has been great response lately from the Police Department. He also stated that the recommendations of the Elected Officers Compensation Commission took effect on April 29, 2009.

Jerry Ambrose announced the Letter Carrier Food Drive for this coming weekend.

Councilmember Wood announced the next 2nd Saturdays meeting for residents of the 3rd Ward.

ADJOURNED TIME 9:07 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 11, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of May 4, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Robinson; Appropriation of Community Funding to Churchill Downs Community Association for its Carnival Picnic to be held June 20, 2009

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Mayoral Recognition of May 11, 2009 as Habitat for Humanity Day in Lansing

Jerry Ambrose, Executive Assistant to Mayor Bernero, read the following Mayoral Proclamation:

"You make a living by what you get, but you make a life by what you give."

— Winston Churchill

WHEREAS: It is a privilege to recognize the unyielding and selfless commitment of Habitat for Humanity Lansing to providing our community with quality, affordable housing. To date, the dedication and hard work of Habitat for Humanity Lansing has built or rehabilitated 76 homes in the Lansing area and provided 85 families with low-cost, affordable mortgages; and

WHEREAS: In 2009, Habitat for Humanity Lansing plans to build two new homes in the area, and rehabilitate at least six more. Furthermore, by selling low-cost, high-quality materials to homeowners through their 'ReStore,' Habitat for Humanity Lansing plans to raise \$150,000 to aid in their homebuilding efforts; and

WHEREAS: Habitat for Humanity is run with the conviction that every man, woman and child should have a decent, safe, and affordable place to live. The organization pursues this mission as a primarily volunteer-run non-profit group. Its board of directors all serve on a volunteer basis, and each home built or renovated is done so with volunteer labor. Each home built requires about 2500 labor hours; the use of volunteers keeps the building costs at a minimum, making the home affordable. People in Lansing have stepped up to fill these roles; I can only hope that volunteering increases during these troubling times and that Habitat for Humanity Lansing is able to continue the wonderful work that they do in our community.

NOW, THEREFORE, I, VIRG BERNERO, Mayor of the City of Lansing, by the power vested in me do hereby proclaim May 11, 2009 to be

"Habitat for Humanity Lansing Day"

in Lansing. I call upon all citizens to join together in recognizing Habitat for Humanity Lansing and the charitable work they do, and furthermore to stand behind our community to ensure that Lansing continues to lead the way.

Mike Rose introduced some members of the Habitat for Humanity board and thanked the Mayor and City Council for this honor. He spoke about the interfaith community helping his organization and about a Palestinian filmmaker who documented many faiths working together on houses. He invited the Mayor and City Council to some upcoming open houses.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt announced the next Groesbeck neighborhood meeting and an upcoming fundraiser for the Women's Center of Greater Lansing.

Councilmember Kaltenbach thanked Mayoral Executive Assistant Jerry Ambrose, City Attorney Smith and Parks Director Murdoch Jemerson for helping citizens to have a neighbor buried.

Councilmember Robinson thanked Councilmember Hewitt for facilitating the latest 2nd Saturdays meeting for residents of the 3rd Ward. She stated that she could not attend due to her daughter's cheerleading event. She also thanked Councilmembers Wood and Jeffries for sharing City budget information at the meeting. She spoke about Martin Luther King, Jr. Blvd. business owners' cleanup efforts.

City Clerk Swope stated that tomorrow at 4:00 p.m. is the deadline to file for offices that will appear on the August 4, 2009 Primary Election

ballot.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the recent Neighborhood Expo and stated that Police Chief Alley announced the Tip 411 hotline. He announced the next Mobile Food Pantry and the Sesquicentennial Parade. He stated that Mayor Bernero was not present tonight because he was attending the Keep in Made in America event. He spoke about items on tonight's agenda including the City budget and the sale of the North Capitol Parking Ramp.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of the Fiscal Year 2010 City Budget
2. In consideration of the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet

Councilmember Robinson gave a brief overview of Public Hearing #1

Joan Jackson Johnson, Director of the Human Relations and Community Services Department, gave a detailed overview of Public Hearing #2.

Lori Anne Tennison of 726 Egleston, Kalamazoo, spoke about the need for housing for the homeless.

Jonathan Braun, Homeless, spoke about the need for single family housing for the homeless.

Mike Fuller, Homeless, spoke about ending homelessness.

Max Conrad, Homeless, spoke about the need to end homelessness.

Jim Currin of 6000 Orchard Ct. spoke in opposition to the sale of the North Capitol Parking Ramp.

Loretta Stanaway of 546 Armstrong Rd. spoke in opposition to the sale of the North Capitol Parking Ramp.

Michael Evans of 4224 Mount Olivet, Kalamazoo, spoke about the need to end homelessness.

Kathi Raffone of 1221 Muskegon Ave. spoke about various legislative matters.

Art Hasbrook of 2216 Beal Ave. spoke about ending homelessness.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the city budget, homelessness and in opposition to the sale of the North Capitol Parking Ramp.

Stan Shuck of 818 Cooper Ave. spoke in opposition to the sale of the North Capitol Parking Ramp.

Gregory Frens of 226 W. Genesee St. spoke in support of the sale of the North Capitol Parking Ramp.

Carl Calille of 306 Harriet Ave. spoke in opposition to the sale of the North Capitol Parking Ramp.

Monica Zuchowski of 320 N. Walnut St. spoke in support of the sale of the North Capitol Parking Ramp.

John Lenhard of 15851 S. US 27 spoke in support of the sale of the North Capitol Parking Ramp.

John Pollard of 1718 Blair St. spoke in opposition to the sale of the North Capitol Parking Ramp.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to the sale of the North Capitol Parking Ramp.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of the Fiscal Year 2010 City Budget

REFERRED TO THE COMMITTEE OF THE WHOLE AND BUDGET

2. In consideration of the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet

REFERRED TO THE COMMITTEE OF THE WHOLE

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Arlene Parrish of 3521 Wildwood Ave. spoke about a city employee's handling of an inspection of her house.

Jim Currin of 6000 Orchard Ct. spoke about various city matters.

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Paula Hubbert of 2205 Beal Ave. spoke against surveillance cameras in the city.

Walter Brown of 1310 Knollwood Ave. spoke against surveillance cameras in the city.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Patti Smith of 1124 W. Edgewood Blvd. spoke about the need for after school programs.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Kathy Semrau of 102 Russell St. spoke about a code compliance warning she received.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Patrick Patterson of 430 N. Larch St. spoke about homelessness.

Susan Cancro of 743 N. Martin Luther King, Jr. Blvd. spoke about issue affecting the homeless.

John Pollard of 1718 Blair St. spoke about various city matters.

Sharon Dade of 430 N. Larch St. spoke about the need to end homelessness.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-133

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **1235 W. Michigan Avenue**, Parcel # **33-01-01-17-401-511** legally described as: **Lot 18 Assessors Plat No 8** is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on **January 28, 2008**; and

WHEREAS, a hearing was held by the Hearing Officers on , at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **March 26, 2009**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **April 20, 2009**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **1235 W. Michigan Avenue** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **thirty** from the date of this resolution.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-134

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF
LANSING

BOND AUTHORIZING RESOLUTION CAPITAL IMPROVEMENT BONDS

WHEREAS, the City Council of the City of Lansing has previously determined that it is appropriate for the City to proceed with certain improvements to its sanitary sewer system, its transportation system, and related streetscape improvements (the "Project");

WHEREAS, the City Council of the City of Lansing intends to issue capital improvement bonds pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") in one or more series to pay for the costs of the Project, which bonds will be payable from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit;

WHEREAS, the City Council of the City of Lansing has published a Notice of Intention (the "Notice of Intention") to issue capital improvement bonds pursuant to the provisions of the Act;

WHEREAS, no petition for referendum has been filed in response to the Notice of Intention;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves as follows:

1. The Project. The City Council of the City of Lansing hereby determines it to be advisable and necessary to acquire and construct the Project. The estimate of not more than \$20,000,000 as the total cost of the Project to be financed by the Bonds and 30 years and upwards as the period of usefulness of the Project are hereby approved and adopted.

2. Bond Details. The City Council of the City of Lansing approves the issuance of the capital improvement bonds for the Project in one or more series. The initial series of bonds shall be issued pursuant to the terms of this Bond Authorizing Resolution. Any additional series of bonds shall be issued pursuant to the terms of subsequent Bond Authorizing Resolutions. Pursuant to the Act, bonds in the principal sum of not to exceed \$20,000,000, shall be issued for the purpose of defraying the cost of the Project. The bonds shall be known as "City of Lansing Limited Tax General Obligation

Capital Improvement Bonds, Series 2009" (the "Bonds") and shall be dated the date of delivery or such other date as shall be designated, prior to the sale of the Bonds, by an Authorized Officer of the City. For purposes of this Bond Authorizing Resolution, the Mayor, Finance Director and Public Service Director are each an "Authorized Officer." The Bonds shall be fully-registered, both as to principal and interest, in any denominations determined by an Authorized Officer regardless of rate and maturity date. The Bonds shall mature on May 1 (or such other date as is determined by an Authorized Officer prior to the sale of the Bonds) of each year in the principal amounts determined by an Authorized Officer prior to the sale of the Bonds.

The Bonds shall be in substantially the form attached as Appendix A with such changes, additions or deletions as are not inconsistent with this Resolution.

3. Interest Payment and Date of Record. The Bonds shall bear interest payable on May 1 and November 1 of each year, beginning November 1, 2009, or on such other dates as may be determined by an Authorized Officer prior to the sale of the Bonds. Interest shall be paid by check mailed by first class mail to the registered owner of the Bonds as of the applicable date of record, provided, however, that an Authorized Officer may agree with the Bond Registrar (the "Bond Registrar") on a different method of payment. If interest is paid differently, the Bond form attached as Appendix A and the Notice of Sale form attached as Appendix B shall be changed accordingly.

The date of record shall be the fifteenth day of the month immediately preceding the month in which such interest is payable.

4. Prior Redemption. The Bonds shall be subject to redemption prior to maturity at the City's option as determined by an Authorized Officer and as set forth in the Official Notice of Sale for the Bonds.

5. Capitalized Interest. No portion of the interest payable on the Bonds is to be capitalized, but excess amounts of Bond proceeds over actual Project costs shall be transferred to the Bond Payment Fund established below and used to reduce the City's next due principal and interest payments.

6. Paying Agent and Bond Registrar. The Bonds shall be registrable upon the books of a bank designated by an Authorized Officer as paying agent and bond registrar for the Bonds. The Bonds may be authenticated by the Bond Registrar if so ordered by an Authorized Officer.

7. Transfer or Exchange of Bonds. Any Bond shall be transferable on the bond register maintained with respect to the Bonds upon the surrender of the Bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond, the Bond Registrar shall authenticate and deliver a new Bond or Bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

Bonds may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Bond or Bonds being exchanged. Such exchange shall be effected by surrender of the Bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the Bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a Bond with proper written instructions, the Bond Registrar shall authenticate and deliver a new Bond or Bonds to the registered owner of the Bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar may require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange. The Bond Registrar is not required to honor any transfer or exchange of Bonds during the fifteen (15) days preceding an interest payment date.

8. Execution and Delivery. The Mayor and the Clerk are hereby authorized and directed to execute the Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed, provided in the latter instance the Bonds are thereafter authenticated by the Bond Registrar. Upon the execution of the Bonds, they shall be delivered to the Bond Registrar, or an agent thereof, who is hereby authorized and directed to deliver the Bonds to the purchaser upon receipt in full of the purchase price for the Bonds.

9. Security for Payment of the Bonds. The principal of and interest on the Bonds shall be payable from revenue received by the City from the Project and operation of the City's Sewage Disposal System, and from moneys in the City's general fund. Additionally, the City hereby pledges its limited tax full faith and credit as additional security for the payment of the principal of and interest on the Bonds. Pursuant to such pledge, should other revenue be insufficient to pay the principal of and interest on the Bonds, the City shall pay the principal of and interest on the Bonds as a first budget obligation from its general funds, including the collection of any ad valorem taxes which the City is authorized to levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

10. Bond Payment Fund. From the proceeds of the sale of the Bonds, there shall be set aside in a bond and interest redemption account (the "Bond Payment Fund") any accrued interest received from the purchaser of the Bonds. No less than five (5) days prior to each principal and interest payment date, the City shall deposit in the Bond Payment Fund sufficient monies to pay the interest payment and the principal payment, if any, coming due on such subsequent interest payment date. The Bond Payment Fund shall be held by the City.

Moneys in the Bond Payment Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof not later than, the dates when moneys in the Bond Payment Fund will be required to pay the principal of and interest on the Bonds. Obligations purchased as an investment of moneys of the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

11. Construction Fund. There is hereby established a Construction Fund into which all proceeds from the sale of the Bonds shall be deposited, except any accrued interest on the Bonds received at the delivery thereof by the City from the purchaser. Moneys in the Construction Fund shall be used to pay for the Project and costs associated therewith, including costs of issuance. Surplus moneys remaining after completion of the Project shall be deposited in the Bond Payment Fund. The Construction Fund shall be held by the City.

Moneys in the Construction Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof not later than, the estimated dates when moneys in the Construction Fund will be required to pay costs of the Project. Obligations purchased as an investment of moneys of the Construction Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

12. Additional Bonds. Additional bonds of equal standing with the Bonds may be issued in connection with the Project. Nothing in this Resolution shall prevent the issuance by the City of bonds to finance other projects for the City.

13. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the Clerk may, on behalf of the City, execute and deliver, or order the Bond Registrar to authenticate and deliver, a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed.

In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument bond for principal and interest remaining unpaid on the lost, stolen or destroyed bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement Bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

14. Depositories. All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds and accounts set forth in this Resolution. An Authorized Officer shall select the depository or depositories to be used from those banks authorized in this section.

15. Notice of Sale. Sealed bids for the purchase of the Bonds shall be accepted up to a time to later be determined by an Authorized Officer. The Official Notice of Sale shall be published once in accordance with law in The Bond Buyer or The Detroit Legal News, in substantially the form attached as Appendix B to this Resolution. Any Authorized Officer may make such changes to the attached Official Notice of Sale, or cause it to be published in additional publications, as such Authorized Officer deems appropriate.

16. Provisions for the Sale and Award of the Bonds. The City shall sell the Bonds at an interest rate of not to exceed seven percent (7%) and at a discount of not to exceed one and a half percent (1.5%), in conformance with the Act and the laws of the State of Michigan and the rules and regulations of the Michigan Department of Treasury. Any Authorized Officer is authorized to award the sale of the Bonds to the bidder whose bid produces the lowest interest cost to the City, as determined by the City's financial advisor.

17. Arbitrage and Tax Covenant. Notwithstanding any other provision of this Resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed

by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Bonds to be includable in gross income for federal income tax purposes, cause the interest on the Bonds to be includable in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code or (ii) adversely affect the exemption of the Bonds and the interest thereon from State of Michigan income taxation.

18. Not Qualified Tax-Exempt Obligation. The Bonds are not designated as a "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code.

19. Defeasance. If the whole amount of the principal of and premium, if any, and interest due and payable upon all outstanding Bonds shall be paid, or if sufficient moneys, or Government Obligations not callable prior to maturity, the principal of and interest on which, when due and payable will provide such sufficient moneys without reinvestment, shall be deposited with and held by a trustee for the purpose of paying principal of and premium, if any, and interest due and payable upon all outstanding Bonds, and if all outstanding Bonds to be redeemed prior to maturity shall have been duly called for redemption or irrevocable instructions to call such Bonds for redemption shall have been given to such trustee, then the right, title and interest of the holder of the Bond shall thereupon cease, terminate and become void and the City shall be released from the obligations of this resolution and any moneys or other funds held pursuant to this resolution for the purpose of paying principal of, premium, if any, and interest on the Bonds then outstanding (other than the aforementioned funds on deposit with the trustee for redemption of the outstanding Bonds) shall be released from the conditions of this resolution. In the event Government Obligations shall be deposited with and held by the trustee as hereinabove provided, the trustee shall within 30 days after such Government Obligations or moneys shall have been deposited with it, cause a notice signed by the trustee to be published once in a newspaper of general circulation in the City of Detroit, Michigan, setting forth (a) the date or dates, if any, designation for the redemption of the Bond, (b) a description of the Government Obligations and moneys so held by it, and (c) that this resolution has been released in accordance with the provisions of this Section. All moneys and Government Obligations held by such trustee pursuant to this Section shall be held in trust and applied to the payment, when due, of the obligations payable therewith as provided hereinabove. As used herein the term "Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

20. Contract. The provisions of this Resolution shall constitute a contract between the City and the holder or holders of the Bonds from time to time, and after the issuance of such Bonds, no change, variation or alternation to the provisions of this resolution may be made which would lessen the security for the Bonds. The provisions of this resolution shall be enforceable by appropriate proceedings taken by such Bondholder either at law or in equity.

21. Continuing Disclosure. Any Authorized Officer is hereby authorized to execute a Continuing Disclosure Undertaking with respect to the Bonds. The Bonds are hereby made subject to such Continuing Disclosure Undertaking and the City agrees to abide by the provisions thereof so long as any of the Bonds are outstanding.

22. Preliminary Official Statement and Final Official Statement. Any Authorized Officer is hereby authorized to approve for distribution a Preliminary Official Statement for the Bonds and once the Bonds have been sold, any Authorized Officer is hereby authorized to execute an Official Statement with respect to the Bonds.

Chris Swope, Clerk
City of Lansing

Dated: May __, 2009

23. Additional Covenants. The City covenants and agrees with the successive holders of the Bonds that so long as any maturities of the Bonds remain outstanding and unpaid as to either principal or interest:

APPENDIX A

FORM OF BOND

[FORM OF BOND]

(a) The City will punctually perform all of its obligations and duties under this Resolution and will collect, segregate and apply such ad valorem taxes levied on all taxable property in the City, subject to applicable constitutional and statutory tax rate limitations, in the manner required by the provisions of this Resolution.

(b) The City will maintain and keep proper books of record and accounts relating to the operation of its portion of the Project.

(c) The City will not sell or otherwise dispose of any substantial portion of its portion of the Project in a manner which might impair the security for the Bonds until the Bonds have been paid in full both as to principal and interest or until such full payment has been duly provided for, and will not do or suffer to be done any act which would affect its portion of the Project in such a way as to impair or affect unfavorably the security of the Bonds.

24. Conflicting Resolutions. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

25. Effective Date. This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City Council of the City of Lansing as soon as is practicable after its passage.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

By Councilmember Wood

To place an affirmative roll on the Resolution

Motion Carried by the following Roll Call vote:

Yeas: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Lansing, Counties of Ingham and Eaton, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted at a meeting of the City Council of the City of Lansing, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City of Lansing. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration or transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON
CITY OF LANSING
LIMITED TAX GENERAL OBLIGATION
CAPITAL IMPROVEMENT BONDS,
SERIES 2009

Maturity Date

Interest Rate

CUSIP

Date of Issuance:

Registered Owner:

Principal Amount:

FOR VALUE RECEIVED, City of Lansing (the "City"), Counties of Ingham and Eaton, State of Michigan, hereby acknowledges itself indebted and promises to pay on the Maturity Date specified above, to the Registered Owner specified above, or registered assigns, the Principal Amount shown above, upon presentation and surrender of this Bond at the principal office of the Bond Registrar (the "Bond Registrar"), together with the interest thereon to the Registered Owner of this Bond on the applicable date of record at the Interest Rate per annum specified above payable on ____ 1, 20 __, and semi-annually thereafter on the first day of ____ and ____ in each year. The date of record for payments of interest shall be ____ 15 with respect to payments made on ____ 1 and ____ 15 with respect to payments made on ____ 1.

This Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of \$ _____ and issued under and pursuant to and in full conformity with the Constitution and Statutes of the State of Michigan and especially Act No. 34, Public Acts of Michigan 2001, as amended (the "Act"), for the purpose of financing all or part of the certain sanitary sewer system, transportation system and related streetscape improvements, which assets will benefit the City and the other municipal members of the Authority (the "Project").

The principal of and interest on the Bonds will be payable from revenue received by the City from the Project, and operation of the City's Sewage Disposal System, and from moneys in the City's general fund. Additionally, the City has pledged its limited tax full faith and credit as additional security for the payment of the principal of and interest on the Bonds. Pursuant to such pledge, should other revenue be insufficient to pay the principal of and interest on the Bonds, the City has agreed to pay the principal of and interest on the Bonds as a first budget obligation from its general funds, including the collection of any ad valorem taxes which the City is authorized to levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

Principal installments of this Bond are subject to redemption prior to maturity at the City's option as follows:

This Bond is transferable on the bond registration books of the Bond Registrar upon surrender of this Bond together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon such transfer, one fully registered bond in the same aggregate principal amount and the same maturity and interest rate, will be issued to the designated transferee or transferees. The Bond Registrar shall not be required to honor any transfer of this Bond during the period from the applicable date of record preceding an interest payment date to such interest payment date.

For a complete statement of the funds from which and the conditions under which this Bond is payable and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Bond Authorizing Resolution adopted by the City Council of the City of Lansing on May __, 2009, authorizing this Series of Bonds.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in connection with the issuance of this Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of Michigan, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional limitation.

IN WITNESS WHEREOF, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, has caused this Bond to be executed in its name with the facsimile signatures of its Mayor and its Clerk as of the Date of Issuance.

CITY OF LANSING

By: _____
Its: Mayor

By: _____
Its: Clerk

CERTIFICATE OF AUTHENTICATION

This Bond is designated "City of Lansing Limited Tax General Obligation Capital Improvement Bond, Series 2009."

_____, as
Bond Registrar and Authenticating Agent

By: _____
Its: Authorized Signer

ASSIGNMENT

For value received, the undersigned sells, assigns and hereunder and hereby irrevocably appoints attorney to transfer this Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____
Signature

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of this Bond in every particular.

APPENDIX B

FORM OF OFFICIAL NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____
CITY OF LANSING
LIMITED TAX GENERAL OBLIGATION
CAPITAL IMPROVEMENT BONDS,
SERIES 2009

SEALED BIDS for the purchase of the above bonds (the "Bonds") will be received by the undersigned in the offices of City of Lansing (the "City"), City Hall, 124 W. Michigan Avenue, Lansing, Michigan 48933, on the ___ day of _____ 2009, until ___ o'clock __.m., at which time and place the bids will be publicly opened and read.

In the alternative, sealed bids will also be received on the same date and until the same time by an agent of the undersigned at the Municipal Advisory Council of Michigan, 1445 First National Building, 660 Woodward Avenue, Detroit, Michigan 48226-3517, where they will simultaneously be publicly opened and read. Bids received at the City Offices will be read first, followed by the alternate location. Bidders may choose either location to present bids and good faith checks, but not both locations. Bids may also be submitted via Parity or by facsimile at either location.

The award of the Bonds will be made by an Authorized Officer of the City approximately one hour after the opening of the bids.

BOND DETAILS: The Bonds will be fully registered Bonds in any denomination of \$5,000 or any integral multiple thereof up to a single maturity, dated _____ 1, 2009, numbered in order of authentication from 1 upwards, and will bear interest from their date payable on November 1, 2009, and semiannually thereafter.

The bonds will mature on the 1st day of May as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2012		2024	
2013		2025	
2014		2026	
2015		2027	
2016		2028	
2017		2029	
2018		2030	

2019	2031
2020	2032
2021	2033
2022	2034
2023	

The initial purchaser of the Bonds may designate as term bonds and the consecutive maturities which shall be aggregated in the term bonds. Any such designation must be made within 24 hours of the sale.

PRIOR REDEMPTION: Bonds maturing before May 1, 2020 are not subject to redemption prior to maturity. Bonds maturing on or after May 1, 2020 are subject to optional redemption, in whole or in part as the City shall determine, in integral multiples of \$5,000 on any date on or after May 1, 2019 at par, plus accrued interest to the redemption date plus a premium.

With respect to partial redemptions, any portion of a Bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. If less than the entire principal amount of a Bond is called for redemption, upon surrender of the Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner a new Bond in the principal amount of the principal portion not being redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class United States mail at least 30 days before the date fixed for redemption, which notice shall fix the date of record with respect to the redemption. Any defect in any notice of redemption shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds or sufficient government obligations then are on deposit with the Bond Registrar to redeem such Bonds.

INTEREST RATE AND BIDDING DETAILS: The Bonds shall bear interest at a rate or rates not exceeding seven percent (7%) per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one Bond shall be at one rate only and all Bonds of the issue maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rate on the Bonds shall not exceed three percent (3%) per annum. The interest rate borne by the Bonds maturing in any given year shall not be less than the interest rate borne by the Bonds maturing in any preceding year. No proposal for the purchase of less than all of the Bonds or at a price less than 98.5% of their par value will be considered.

BOND REGISTRAR AND DATE OF RECORD: _____, Michigan, has been selected as Bond Registrar for the Bonds. The Bond Registrar will keep records of the registered holders of the Bonds, serve as transfer agent for the Bonds, authenticate the original and any re-issued Bonds and will pay interest by check or draft mailed to the registered holders of the Bonds as shown on the records of the Bond Registrar on the applicable date of record. The date of record for each interest payment shall be the 15th day of the month before such payment is due. Principal of the Bonds will be paid at maturity upon presentation and surrender thereof to the Bond Registrar.

BOOK-ENTRY-ONLY: The Bonds will be issued in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchase of the Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased.

PURPOSE AND SECURITY: The Bonds are to be issued pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended (the

"Act"), for the purpose of financing all or part of the certain sanitary sewer system, transportation system and related streetscape improvements (the "Project"). The principal of and interest on the Bonds will be payable from revenue received by the City from the Project and operation of the City's Sewage Disposal System and from moneys in the City's general fund. Additionally, the City has pledged its limited tax full faith and credit as additional security for the payment of the principal of and interest on the Bonds. Pursuant to such pledge, should other revenue be insufficient to pay the principal of and interest on the Bonds, the City has agreed to pay the principal of and interest on the Bonds as a first budget obligation from its general funds, including the collection of any ad valorem taxes which the City is authorized to levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

GOOD FAITH CHECK: A certified or cashier's check drawn upon an incorporated bank or trust company or a Financial Surety Bond in the amount of two percent (2%) of the par amount of the Bonds, and payable to the order of the Treasurer of the City must accompany each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid is accepted and the bidder fails to take up and pay for the Bonds. If a check is used, it must accompany the bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in Michigan, and such bond must be submitted to the City or its financial advisor prior to the opening of bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such bond. If the Bonds are awarded to a bidder using a Financial Surety Bond, then that purchaser is required to submit its good faith deposit to the City or its financial advisor in the form of a cashier's check or by wire transfer (in accordance with instructions from the City or its financial advisor) not later than 12:00 noon, Eastern Time, on the next business day following the award. If such good faith deposit is not received by that time, the Financial Surety Bond may be drawn upon by the City to satisfy the good faith deposit requirement. If the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest will be allowed on good faith checks. Checks of unsuccessful bidders will be returned to the bidder's representative or by overnight delivery service. The good faith check of the successful bidder will be cashed, and the proceeds will be applied to the purchase price of the Bonds. Payment of the balance of the purchase price shall be made at closing.

AWARD OF BONDS: The Bonds will be awarded to the bidder whose bid produces the lowest interest cost computed in the following manner: the lowest true interest cost will be the single interest rate (compounded on _____ 1, 2009 and semiannually thereafter) necessary to discount the debt service payments from their respective payment date to _____, 2009 in an amount equal to the price bid, excluding accrued interest.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Dykema Gossett PLLC, Lansing and Detroit, Michigan ("Bond Counsel"), an original of which will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The fees of Dykema Gossett PLLC, Lansing and Detroit, Michigan for services rendered in connection with such approving opinion are expected to be paid from Bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above Bonds, Bond Counsel has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the Bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

TAX MATTERS: In the opinion of Bond Counsel, assuming compliance with certain covenants, (i) interest on the Bonds is excluded from gross income for federal income tax purposes, as described in Bond Counsel's opinion, and (ii) the Bonds and interest

thereon are exempt from all taxation in the State of Michigan except estate taxes and taxes on gains realized from the same, payment or other disposition thereof. The City has not designated the Bonds as "qualified tax-exempt obligations" for purposes of the deduction of interest expense by financial institutions. The successful bidder will be required to furnish, prior to the delivery of the Bonds, a certificate in a form acceptable to Bond Counsel as to the "issue price" of the Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended.

DELIVERY OF BONDS: The City will furnish Bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at Detroit, Michigan, or such place as may be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the Bonds, will be delivered at the time of delivery of the Bonds. The successful bidder agrees that the delivery of the Bonds shall take place no later than _____, 2009. Payment for the Bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the Bonds shall be paid by the purchaser at the time of delivery.

OFFICIAL STATEMENT: A copy of the Official Statement with respect to the Bonds (the "Official Statement") may be obtained by contacting Stauder, BARCH & ASSOCIATES, Inc. at the address and telephone number listed in the FURTHER INFORMATION paragraph below. The Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12, but is subject to revision, amendment and completion of a final Official Statement. The successful bidder shall supply to the City, within twenty-four hours after the award of the Bonds, all pricing information and any underwriter identification determined by Bond Counsel to be necessary to complete the Official Statement.

The City will furnish to the successful bidder, at no cost, a reasonable number of copies of the Official Statement within seven business days after the award of the Bonds. Additional copies will be supplied upon the bidder's agreement to pay to the City the cost for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Official Statement, including revisions, amendments and completions as necessary, relating to the City and the Bonds is true and correct in all material respects, and that such Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

CONTINUING DISCLOSURE: As more fully described in the Official Statement, the City has agreed in its Continuing Disclosure Undertaking to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, (i) on or prior to the 180th day after the end of the City's fiscal year, certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the Bonds, (ii) timely notice of the occurrence of certain material events with respect to the Bonds, and (iii) timely notice of a failure by such entity to provide the required annual financial information on or before the date specified in (i) above.

BOND INSURANCE AT PURCHASER'S OPTION: If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Bonds. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser. Failure of the municipal bond insurer to issue such policy after the Bonds have been awarded to the purchaser shall not constitute cause for failure or refusal by the purchaser to accept delivery of the Bonds from the City.

CUSIP NUMBERS: CUSIP identification numbers will be printed on the Bonds at the City's expense, but neither the failure to print the numbers nor any error with respect thereto shall constitute cause for refusal by the purchaser to accept delivery of the Bonds. The CUSIP Service Bureau charge for the assignment of numbers shall be the responsibility of and paid for by the purchaser of the Bonds.

FURTHER INFORMATION maybe obtained from Stauder, BARCH & ASSOCIATES, Inc. at 3989 Research Park Drive, Ann Arbor, Michigan 48108 (734-668-6688).

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for City of Lansing Limited Tax General Obligation Capital Improvement Bonds, Series 2009."

Chris Swope
City Clerk, City of Lansing

RESOLUTION #2009-135
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF
LANSING

WHEREAS, pursuant to Resolution #2009-082 adopted by this council on April, 2, 2009, a public hearing was held on Monday, April, 27, 2009, in consideration of a request by the Public Service Department for issuance of a waiver of the noise ordinance for the Edgewood Blvd project; and

WHEREAS, the City of Lansing Department of Public Service, in participation with the Michigan Department of Transportation (MDOT), will be resurfacing Edgewood Blvd (between Washington Ave. and Martin Luther King Jr., Blvd.) in summer 2009; and

WHEREAS, the approximately 1.3 mile long project includes milling the existing asphalt surface and overlaying the road with an ultra-thin concrete overlay (white-topping) for which the technical specifications require pavement joints to be saw cut every four feet in a square grid pattern within 16 hours of concrete placement; and

WHEREAS, the Michigan Concrete Paving Association has determined that for a routine work day saw cutting operations often continue until late evening on white-topping projects; and

WHEREAS, the use of extended works hours will facilitate compliance with the technical specifications of the concrete overlay; and

WHEREAS this waiver will allow concrete placement and saw cutting in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM on Saturdays, effective July 5, 2009 to October 30, 2009 (the anticipated construction period) with the following conditions:

- a) This waiver is requested only for an estimated period of twenty (20) days to occur during the above indicated dates depending on the paving schedule; and
- b) any work associated with this request will occur only once for each concrete placing and saw cutting operation in front of any one property;

NOW, THEREFORE, BE IT RESOLVED that City Council grant a noise waiver permit to the Public Service Department to allow the contractor to work in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM on Saturdays, effective July 5, 2009 to October 30, 2009 (the anticipated construction period) with the following conditions:

- a) This waiver is requested only for an estimated period of twenty (20) days to occur during the above indicated dates depending on the paving schedule; and
- b) any work associated with this request will occur only once for each concrete placing and saw cutting operation in front of any one property.

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-136

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Churchill Downs Community Association has requested \$500 to defray costs associated with the Carnival Picnic to be held on June 20, 2009; and

WHEREAS, the Committee of the Whole met on May 11, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Churchill Downs Community Association to defray costs associated with the Carnival Picnic to be held on June 20, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Churchill Downs Community Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Robinson

Motion Carried

FAILED

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing Community College has been working with the City for over a year on parking and other issues of mutual interest and had been proposing the construction of a parking ramp; and

WHEREAS, Lansing Community College negotiated with the City regarding purchasing the North Capitol Ramp to meet its parking needs instead of building a new parking structure adjacent to a residential area, thereby preserving the land for future development of an academic and/or cultural facility; and

WHEREAS, on March 20, 2008, the Planning Board held a public hearing regarding Act 1-2008; and

WHEREAS, on April 3, 2008, the Planning Board reviewed the request to sell the North Capitol Ramp and adjacent alley, in accordance with its Act 285 procedures and found, based on the testimony and evidence presented that:

1. City ownership of the North Capitol Parking Structure is not required to provide the necessary public parking at this location, and
2. The sale of the structure could improve the utilization and

efficiency of the ramp, and could be a means to avoid the cost of an additional parking structure by LCC.

3. LCC ownership of the alley, assuming it also purchases the North Capitol Ramp, would give it more flexibility for improving or developing the entire block; and

WHEREAS, on April 3, 2008, the Planning Board voted unanimously (5-0) to recommend approval of Act 1 (Parts A and B) of 2008, to market for or negotiate the sale of the City owned North Capitol Ramp and vacation of the adjacent public alley, subject to the following conditions:

1. The sale would only be to an entity that could improve the ground level space and partner with the City to foster development compatible with a revitalized downtown;
2. Approval of the vacation of the alley (Part B) is contingent upon purchase of the North Capitol Ramp by Lansing Community College;
3. Easements must be maintained for existing utilities and for fire department access within 150' of all points of the building; and

WHEREAS, Lansing Community College submitted an agreement to purchase certain real property titled in the name of the City of Lansing and more commonly referred to as the North Capitol Parking Ramp and adjacent alley; and

WHEREAS, if the sale were approved, Lansing Community College would invest approximately five million dollars in the facility to extend the useful life of the parking area and renovate and expand the ground floor retail and office space; and

WHEREAS, the sale of this property to Lansing Community College would eliminate the need for the College to construct a parking structure at the southwest corner of Capitol Avenue and Shiawassee Street, adjacent to residential properties; and

WHEREAS, the operations of the Planning & Neighborhood Development currently in the facility will remain in its current location subject to a lease agreement with Lansing Community College; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances, the documentation and details of the sale were placed on file in the Office of the City Clerk for a thirty (30) day period prior to the holding of a Public Hearing on the issue; and

WHEREAS, a Public Hearing was held on Monday, April 27, 2009, at 7:00 p.m. in the City Council Chambers, Tenth Floor, City Hall, 124 West Michigan Avenue, Lansing, Michigan, to receive public comment on and to consider the proposed sale of the property located in the City of Lansing, Michigan and legally described more particularly in the Purchase Agreement for the property, which was placed on file with the City Clerk on February 16, 2009;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the sale of the property described in the purchase agreement, more commonly known as the North Capitol Parking Ramp and the adjacent alley, to Lansing Community College for the amount of Two Million Seven Hundred Thousand and no/100 Dollars (\$2,700,000.00).

BE IT FURTHER RESOLVED that the proceeds of the sale will be placed in the fund balance of the Parking System, account 585.000000.679000.

BE IT FINALLY RESOLVED that the Mayor is hereby authorized to sign and execute any and all documents necessary to

complete this transaction subject to prior approval as to form and content by the City Attorney.

By Councilmember Robinson

To place an affirmative roll on the Resolution

Motion Failed by the following Roll Call vote:

Yeas: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney

Nays: Councilmembers Hewitt, Robinson, Wood

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting Applications for a license to Sell or Offer to Sell Retail Fireworks filed by American Promotional dba TNT fireworks on behalf of the following locations in the City of Lansing:
 - Sam's Club #8137 located at 340 E. Edgewood Blvd
 - Target #361 located at 500 E. Edgewood Blvd
 - Aldi's #1519 located 6555 S. Pennsylvania Ave
 - L & L Food Center #279 located at 1615 W. Mt Hope Ave
 - L & L Food Center #275 located at 5016 S Martin Luther King Blvd
 - Meijer #24 located at 6200 S. Pennsylvania Ave.
 - Kroger #884 located at 921 W. Holmes St
 - Kroger #852 located at 443 Mall Court

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letters from the Mayor re:
 - i. Capital Improvement Budget; Planning Board Recommendations for FY 2010

REFERRED TO THE COMMITTEE OF THE WHOLE AND BUDGET

- ii. Z-2-2009; 600 W. Maple St., Planning Board recommendations re: a request filed by the Greater Lansing Housing Coalition to rezone the property located at 600 W. Maple St. from "B" Residential District to "D-1" Professional District to permit the building at this location to be used for 3 Head Start classrooms and offices that provide housing assistance and community support services

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Traffic Control Request Report: Cedar St. and Paulson St.; and TCO 09-036; Installation of stop signs on Paulson St. at the intersection of Cedar St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iv. Traffic Control Request Report: Burchfield Ave. and Lowcroft Ave.; and TCO 09-037; Installation of a yield sign on Washington Ave. at the intersection of Burchfield Ave. and Lowcroft Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- v. Traffic Control Request Report: Christopher St. and Cross St.; and TCO 09-038; Installation of stop signs on Cross St. at the intersection of Christopher St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- vi. Traffic Control Request Report: Creston Ave. and Thomas St.; and TCO 09-039; Installation of a stop sign on Creston Ave. at the intersection of Thomas St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- vii. Traffic Control Request Report: Risdale Ave. and Wainwright Ave.; and TCO 09-040; Installation of a stop sign on Wainwright Ave. at the intersection of Risdale Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- viii. Traffic Control Request Report: Tecumseh Ave. and Windsor St.; and TCO 06-026; Installation of stop signs on Windsor St. at the intersection of Tecumseh Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- ix. Traffic Control Request Report: Palmer St. and Rosedale Ave.; and TCO 06-027; Installation of stop signs on Rosadell Ave. at the intersection of Palmer St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- x. Traffic Control Request Report: Creston Ave. and Fairfield Ave.; and TCO 09-035; Installation of stop signs on Frederick St. at the intersection of Walker Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xi. Traffic Control Request Report: Frederick St. and Walker Ave.; and TCO 09-034; Installation of stop signs on Frederick St. at the intersection of Walker Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xii. Traffic Control Request Report: Cross St. and Emerson St.; and TCO 09-033; Installation of stop signs on Emerson St. at the intersection of Cross St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xiii. Traffic Control Request Report: Carrier St. and Felt St.; and TCO 09-041; Installation of stop signs on Carrier St. at the intersection of Felt St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xiv. TCO 08-018; Regulation of the lane usage on Edgewood Blvd. between Georgetown Blvd. and Washington Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xv. TCO 07-055; Traffic calming at the intersection of Lapeer St. and Pine St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xvi. TCO 07-056; Traffic calming at the intersection of Saginaw St. and Sycamore St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xvii. TCO 09-001; Parking regulations on Moores River Dr. between Mt. Hope Ave. and Cambridge Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xviii. Area 17 Traffic Control Reports

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xix. Resignation of Shatina Clinton from the Memorial Review Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing notice to Cooper Corporation of the status of its request for the extension of the Escrowed 2005 Class C and Specially Designated Merchant licenses with Sunday Sales Permit, Dance Permit located at 1138-40-42-1146 S. Washington Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Contracts between the State of Michigan Department of Transportation and the City of Lansing to allow for:

i. PART A –FEDERAL PARTICIPATION

Reconstruction work along Grand Avenue from Ottawa St. to Shiawassee St.; including hot mix asphalt paving, concrete curb and gutter, and storm sewer work; and all together with necessary related work.

PART B –NO FEDERAL PARTICIPATION

Watermain work along Grand Ave. from Ottawa St. to Shiawassee St.; and all together with necessary related work.

PART C –FEDERAL PARTICIPATION

Streetscaping work along Grand Ave. from St. Joseph Hwy. to Shiawassee St.; including decorative brick paving, concrete sidewalk, benches, and landscaping work; and all together with necessary related work.

PART D –NO FEDERAL PARTICIPATION

Audiovisual taping and irrigation system work along Grand Ave. from St. Joseph Hwy. to Shiawassee St.; and all together with necessary related work.

RECEIVED AND PLACED ON FILE

ii. PART A – FEDERAL PARTICIPATION

Left-turn lane work at the intersection of Waverly Rd. and Holmes Rd.; including pavement removal, storm sewer, concrete curb and gutter, and hot mix asphalt paving work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Audiovisual taping and 84-inch culvert work at the intersection of Waverly Rd. and Holmes Rd.; and all together with necessary related work.

RECEIVED AND PLACED ON FILE

iii. PART A

Hot mix asphalt paving work for eastbound and westbound turnarounds to allow transit service on Edgewood Blvd. west of Washington Rd.; including concrete curb and gutter and storm sewer work; and all together with necessary related work.

PART B

Reconstruction work along Edgewood Blvd. from Martin Luther King Jr. Blvd. to Washington Rd.; including hot mix asphalt paving, concrete pavement, concrete curb and gutter, and pavement marking work.

RECEIVED AND PLACED ON FILE

- c. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Linda Gobler, President and Trustee of Michigan Grocers Foundation, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Affidavit of Disclosure submitted by Billie O'Berry, Assistant City Attorney

REFERRED TO THE BOARD OF ETHICS

- e. Claims appeal filed on behalf of James and Amy Haley for property located at 1112 Eaton Ct.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Appeal of Trash and Debris fee submitted by Tri Doan for property located at 829 May St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- g. Letter from Marshaun Blake of 827 Fred St. regarding claim denials for property located at 825/827 Fred St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- h. Letter from Fred Williams of 350 E. Gier St. regarding street sweeping in the City of Lansing

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCIL MEMBERS

Council President Quinney stated that he received a parking refund voucher from the city.

REMARKS BY THE MAYOR

OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the City Council for passing the Authorization of the Issuance of Bonds for Capital Improvement Projects and expressed his disappointment at its failure to pass the sale of the North Capitol Parking Ramp.

Council President Quinney announced upcoming budget hearings.

ADJOURNED TIME 10:26 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 18, 2009**



126

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of May 11, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Wood; Gilbert and West Town Drain Board – Continuing Disclosure Undertaking

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Recognition of Lansing Community College's Annual La Pachanga Fiesta Latina

There was a dance performance in recognition of Lansing Community College's Annual La Pachanga Fiesta Latina.

Councilmember Wood spoke about the festival and gave information regarding its background.

A program coordinator for Hispanic High School students spoke about events related to Lansing Community College's Annual La Pachanga Fiesta Latina.

RESOLUTION #2009-137
BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Advocates for Latino Student Advancement in Michigan Education (ALSAME) is a non-profit group formed over twenty years ago, comprised of staff from multiple institutions of higher education statewide; and

WHEREAS, the organization functions as a resource to high school and college students, parents, teachers, counselors, and administrators throughout the State of Michigan; and

WHEREAS, ALSAME sponsors statewide college fairs for underrepresented students, disseminating information about various colleges and universities to students and community organizations, and gathering data to address issues prohibiting students from obtaining their high school diploma; and

WHEREAS, the organization has made a commitment to building a better future for underrepresented youth in the state and to providing avenues to better achieve their goals, with thirty five members from a combined fifteen colleges and universities; and

WHEREAS, on May 22, 2009, Lansing Community College will help uphold ALSAME's mission and efforts by providing a half day of college preparatory workshops and opportunities for high school juniors and seniors making the transition from high school to college.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to recognize Advocates for Latino Student Advancement in Michigan Education for their accomplishments and congratulates them on their Ninth Annual College Preparation Conference. We wish you continued success!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-138
BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on May 22, 2009, in the Downtown Campus Amphitheater, Lansing Community College will host its annual La Pachanga Fiesta Latina; and

WHEREAS, Lansing Community College's La Pachanga Fiesta Latina brings cultural awareness to the Lansing community and transition from the Cinco de Mayo celebration into a more inclusive and diverse program during Hispanic Heritage Month; and

WHEREAS, started by Lansing Community College's Multicultural Center over ten years ago, this creative program brought diversity to the college campus as well as opening doors to share with residents and businesses of the Greater Lansing community; and

WHEREAS, this and similar celebrations provide a venue for cultural expressions and acceptance to the City by adding to the quality of life through cultural harmony;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, sincerely extends best wishes to the Lansing

Community College for its great success on their annual La Pachanga Fiesta Latina.

By Councilmember Wood

Motion Carried

2. Mayoral Presentation: Recognition of the 30th Annual Cristo Rey Church Fiesta

Jerry Ambrose, Executive Assistant to Mayor Bernero, gave background information related to Cristo Rey Church's Annual Fiesta and presented its representatives present with a Mayoral proclamation.

Carlos Hernandez spoke about events related to Cristo Rey Church's Annual Fiesta and thanked Lansing's citizens for supporting the festival every year. He invited everyone to this year's festival.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Wood announced the next Churchill Downs and Lewton-Rich neighborhood meetings. She also spoke about a master planning meeting.

Councilmember Allen announced the next Old Everett neighborhood meeting.

Councilmember Kaltenbach stated that tomorrow, May 19th is Malcolm X's birthday. He also mentioned that Malcolm X was married in Lansing.

Councilmember Hewitt announced the next Foster Your Neighborhood meeting.

Councilmember Dunbar stated that the upcoming Hawk Island Triathlon's registration is full but volunteers are still needed. She announced a new farmers' market at Benjamin Davis Park.

Council President Quinney spoke about the recent Pleasant View School Spring Play and acknowledged the amazing talent of the students. He congratulated essay winner Kilanee Rose Davis.

Councilmember Wood spoke about a group of 2nd graders who sent a letter to the City Council stating things they would like City Government to address.

Councilmember Kaltenbach announced the upcoming Greater Lansing Horseshoe Club tournament.

Councilmember Robinson announced a restoration and empowerment program and 30 day makeover conference.

Councilmember Allen announced that the Committee of the Whole for this week has been canceled.

Councilmember Robinson announced that the next Committee of the Whole meeting would take place Thursday, May 28, 2009.

City Clerk Swope stated that the deadline to file for office for the August Primary as well as the deadline to withdraw from the Primary has passed. He announced that the list of candidates and the application for absentee voting are on the City Clerk's website. He also stated that absentee ballot application have already been mailed out to those on the permanent absentee voter list.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for

those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that the Mayor was in Washington, DC for a Keep it Made in America conference. He spoke about passage of the Mayor's proposed budget and about several items on tonight's agenda.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Stan Shuck of 818 Cooper Ave. spoke about the City's budget.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various legislative matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about the City's budget.

John Pollard of 1718 Blair St. spoke about the City's budget.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the City's budget.

Carl Calille of 306 Harriet Ave. spoke about the City's budget.

Bryan Decker of 543 E. Edgewood Blvd. spoke about the City's budget.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Don Adcock of 6260 Haag Rd. spoke about golf courses in Lansing.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about free speech.

Sue Ellen Brown of 1610 Bailey St. spoke about golf courses in Lansing.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Arlene Parrish of 3521 Wildwood Ave. spoke about various city matters.

Randy Brown of 1146 ½ N. Pennsylvania Ave. spoke about the CSO Project.

Paula Hubbert of 800 Fred St. spoke about surveillance cameras in Lansing.

Walter Brown of 1310 Knollwood Ave. spoke about surveillance cameras in Lansing.

William Hubbell of 3916 Wedgewood Dr. spoke about City parks.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Alan Tubbs of 427 W. Shiawassee St. spoke about various city matters.

Loretta Stanaway of 546 Armstrong Rd. spoke about the City's budget.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Jody Washington of 521 Nantucket Dr. spoke about Councilmember Wood.

John Pollard of 1718 Blair St. spoke about various city matters.

Carl Calille of 306 Harriet Ave. spoke about the North Capitol Parking Ramp.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the North Capitol Parking Ramp.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-139

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Reverend Doctor Michael C. Murphy, a renown figure in the Lansing Community, has become the ninth senior minister of one of the nation's most historic black churches, Peoples Congregational United Church of Christ, a multiracial congregation in Washington D.C.; and

WHEREAS, Reverend Murphy, founder and pastor of St. Stephen's Community Church, is known for his strong commitment to ministry, not only within the church but within the community; and

WHEREAS, Michael was named one of the "100 Most Influential" persons in the Greater Lansing Community by *Lansing Magazine*, honorary doctorate; and

WHEREAS, born in Chicago, Michael moved in the Lansing area in 1975 to pursue a master's degree in counseling, which he received later that year; and

WHEREAS, after moving back to Chicago to attend the Chicago Theological Seminary, earning degrees in D. Ministry and M. Divinity, he returned to Lansing in the 1980s, the place he now warmly refers to as his home, and worked for the State Senate as Administrative Assistant to Senator Gary Corbin and then Governor James Blanchard as the Children's Services Advisor; and

WHEREAS, Michael holds a Masters Associate from Michigan State University and a Bachelors Associate from DePaul University; and

WHEREAS, Michael worked for two Mayors of the City of Lansing as the Director of the Department of Human Relations and Community Services and resigned in 1997 to become the Fourth Ward Councilmember of the Lansing City Council; and

WHEREAS, in 2000, Reverend Murphy was elected to the first of three terms to the State House of Representatives for Lansing's 69th District; and

WHEREAS, Michael has served his community and friends in many capacities; as the President of the Lansing City Council and member of the Michigan Municipal League Legislative and Urban Affairs Committee, Mayor's Blue Ribbon Committee on Downtown

Revitalization, Olivet College's Civil Rights Committee, and co-chair of the Legislative Children's Caucus;

NOW, THEREFORE, BE IT RESOLVED, Lansing City Council, hereby, commends Reverend Doctor Michael Murphy for his accomplishments and dedication to his community and congratulates him on his new position in Washington D. C. You will be missed.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-140

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Gilbert and West Intercounty Drain Drainage District, Counties of Ingham and Eaton, State of Michigan (the "District") intends to issue bonds to pay the costs of cleaning, widening, deepening, straightening and extending the Gilbert and West Intercounty Drain; and

WHEREAS, the District is preparing to issue its Drainage District Bonds, Series 2009 (General Obligation Limited Tax) (the "Bonds"); and

WHEREAS, pursuant to Rule 15c2-12 of the Securities and Exchange Commission the City of Lansing, State of Michigan (the "City") is required to enter into a continuing disclosure undertaking whereby the City agrees to provide certain information as described in the Continuing Disclosure Undertaking attached hereto and made a part hereof (the "Undertaking").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council does hereby approve the Undertaking and authorizes the Finance Director to execute and deliver the Undertaking with such changes as may be required to confirm the Undertaking to the financial information and operating data contained in the Preliminary Official Statement and the Official Statement prepared in connection with the Bonds.

All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded

By Councilmember Wood

Motion Carried

RESOLUTION #2009-141

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, at its regular Committee of the Whole meetings, the City Council publicly reviewed the operations of City Departments and the status of critical issues with City Departments; and

WHEREAS, the City Council held special Committee of the Whole meetings during evening hours at Lewton Elementary School on April 23, 2009 and Pattengill Middle School on April 28, 2009, and as part of the Council meeting to provide opportunities for citizens to comment on the proposed City budget; and

WHEREAS, the City Council held eight days of televised public hearings to review and, when necessary, amend the Mayor's FY 2009-10 budget recommendations; and

WHEREAS, in accordance with City Charter and the State Uniform Budgeting and Accounting Act, notice was published and a public hearing was held on May 11, 2009, in regard to the FY 2009-10

budget and capital improvements; and

WHEREAS, in the light of the present economy, the City Council maintains that essential services, such as police, fire, 911, and other services, be protected from budget cuts to the extent possible in its FY 2009-10 budget priorities; and

WHEREAS, the City Council wholeheartedly recognizes the importance of forwarding a plan to allow essential services to be maintained during difficult budget times; and

WHEREAS, the proposed budget maintains funding for the Combined Sewer Overflow abatement project, while restraining estimated increases in sewer fees for the next two years to 4% per year; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Lansing presented in his budget the following property tax levy recommendation to the City Council, which is .13 mills less than the total property tax levy as in FY 2008-09;

BE IT FURTHER RESOLVED that the City of Lansing's FY 2009-10 operating property tax levy will be 15.44 mills, which is an increase of .43 mills, and the City's debt service levy will be .26 mills, which is a decrease of .56 mills, for a combined total tax levy of 15.70;

BE IT FINALLY RESOLVED that the Mayor's Recommended Budget for FY 2009-10 be adopted with the following amendments:

	Revenue	Expenditure
	Changes	Changes
A. General Fund Revenues		
1. Charges for Services		
a. Public Safety Revenues (Ambulance Fees) (80,000)		
B. General Fund Expenditures		
1. City Council		
a. Council Personnel (EOCC Recommendations)		(47,436)
2. City TV		
a. City TV Personnel		(4,315)
3. Mayor's Office		
a. Mayor's Office Personnel (EOCC Recommendations)		(7,251)
4. City Clerk's Office		
a. City Clerk's Office Personnel (EOCC Recommendations)		3,207
5. Fire Department		
a. Fire Operating		(24,205)
6. Human Services		
a. Human Services Discretionary		(5,000)
b. Got Chess Program		2,000
c. Baker Donora Network Center		<u>3,000</u>
	<u>\$(80,000)</u>	<u>\$(80,000)</u>

Attachment: Budget Policies

BUDGET POLICIES

1. Encumbrances

Authority is provided to re-appropriate available capital project balances as of June 30, 2009, into the FY 2009-10 budget. All non-capital, unencumbered balances require Council approval for re-appropriation.

Authority is provided to re-appropriate outstanding encumbered obligations which are less than \$5,000 into the FY 2009-10 budget, and the Administration is requested to

present Council with a detailed report listing each encumbrance and its corresponding amount by September 2009. Notwithstanding, the above encumbrances which are less than \$5,000 and more than 8 months old shall require Council approval.

2. Residency Incentive

In the event that funds advanced for home purchases are returned from employees, such funds shall be administratively re-appropriated to the City's Residency Incentive Program. Any amounts remaining in the City's Residency Incentive Program at the end of FY 2008-09 will be carried forward to FY 2009-10 and placed into the Residency Incentive Program account. The Administration is requested to identify other potential funding sources to be used for the City's Residency Incentive Program and report its findings to Council by January 1, 2010.

3. Labor Relations

Authority is included to transfer wage reserves and fringes to Departmental line items upon contract settlements.

4. Vacant and Unfunded Positions and Position Eliminations

Positions shown in the various Departmental budgets as eliminated in the FY 2009-10 budget are removed from Departmental Tables of Organization. The Administration is requested to present to Council on or before July 1, 2009, a City wide organizational chart reflecting all FY 2009-10 budgeted positions (funded-filled or vacant) and provide a list, by Department, of each position including position title, FTE, wages and fringes, and whether the position is filled or vacant.

5. Vacancy factor/funded and unfilled Positions

The budget includes an attrition vacancy allowance of \$1,000,000. The Administration is requested to provide Council on July 1, 2009, and every month, thereafter, a list of vacant positions by department. The Administration is also requested to provide, on a quarterly basis, a detailed list by Department of all positions by title, FTE, wages and fringes, and impact programs and/or services which are included within this allowance. The personnel wages and fringes associated with all positions identified above as of July 1, 2009, and any such position vacated, thereafter, shall be placed in a budget control account, and will require City Council approval for expenditure.

6. Infrastructure / Sewage / CSO

Sewage rates shall be maintained at the scheduled 4% increase. Authorization is provided to transfer Sewage funding and State Revolving Loan Fund proceeds to expenditure accounts within the 592 Capital Projects Fund Series and recover residual funding from completed project segments in CSO funds to the Sewage Fund. Authority is provided for the administrative appropriation of 2003 Sewer Bond proceeds for the ineligible share of Combined Sewer Overflow projects and for such other Sewage Fund projects as are within the provisions of the bond covenant. This authority includes re-appropriation of residual funds for the design phase of succeeding project segments. Authority is provided to administratively appropriate funding from the Lansing Board of Water and Light when the Board chooses to participate in infrastructure repairs which may be accomplished during the CSO project by the City contractor. The Administration is requested to submit to Council detailed quarterly reports beginning September 1st of each year outlining the transfers made pursuant to the above authorization.

7. Public Service

Authority is provided to administratively transfer funding for

flood control and storm sewer purposes if such funding is necessary to address flooding or unanticipated storm sewer maintenance needs. Administrative transfer authority is authorized for expenditure of 1990-II Environmental Bond Fund proceeds and to transfer Technical Equipment Replacement funding to the Service Garage fund and to create appropriate expenditure accounts. The Administration shall submit to Council detailed quarterly reports beginning September 1st of each year outlining the transfers made pursuant to the above authorization.

8. Act 51 Major and Local Streets

Transfer authority is not limited by departmental allocation. Administrative authority is included for appropriation of MDOT special authorization funding. Authorization is included to carry forward residual appropriations from FY 2008/2009 Traffic Maintenance accounts for matching the ITS Signal Pre-emption Grant. The Administration shall submit to Council detailed quarterly reports beginning September 1st of each year outlining the transfers made pursuant to the above authorization.

9. Parking System Fund

Authority is provided to administratively transfer to Capital Project accounts from Operating Cost accounts to meet bid or unforeseen major maintenance cost requirements. The Administration shall submit to Council detailed quarterly reports and funding activity on a budget basis beginning September 1st of each year outlining the transfers made pursuant to the above authorization.

10. Fees

Approval is herein given to charge fees as listed in the budget fee schedules.

11. Grants

The Administration shall present to Council every application for any grant and, upon notification of the award of a grant, shall submit the grant to Council for acceptance. Administrative authority is given to create the necessary accounts and transfers in accordance with the requirements of the grantor. Any grant that can be applied for administratively should be submitted for Council review within 10 days of the application.

12. Debt Service

Authority is provided to transfer residual balances between General Obligation Bond Funds, upon completion of repayment, to meet funding needs in other General Obligation issues and to close funds. The Administration shall submit to Council detailed quarterly reports beginning September 1st of each year outlining the transfers made pursuant to the above authorization.

13. Civil Actions, Claims, and Damages

Whenever a claim is made or any civil action is commenced against the Mayor, a City Council member, a non-bargaining unit employee, or a Lansing retirement board trustee (collectively in this provision "the Employee") for damages caused by an act or acts of the Employee within the scope of his or her authority and while in the course of his or her employment with the City or his or her duties on behalf of the retirement board, the City will pay for, engage, or furnish the services of an attorney to advise the Employee as to the claim and to appear for and represent the Employees in the action. If the City Attorney does not provide the attorney services, the attorney selection shall be made by the City in the manner the City determines. The City may compromise, settle, and pay a claim before or after the commencement of any civil action. Whenever any judgment for damages caused by the act or acts of the Employee covered under this provision is awarded

against the Employee as the result of a civil action, the City will indemnify the Employee or will pay, settle, or compromise the judgment. The City's obligations under this provision, however, is contingent upon the Employee giving prompt notice of the commencement of the action and upon the Employee cooperating in the preparation, defense, and settlement of the action. The term "scope of authority" under this provision does not include any act or acts of Employee (i) fraud, (ii) dishonesty, (iii) willful, intentional, or deliberate violation of the law or breach of fiduciary duty, (iv) criminal act, or (v) traffic violation; nor does this provision abrogate or diminish governmental immunity.

14. Consolidated Law Enforcement Building

The Administration is requested to submit to Council a detailed analysis and business plan for Consolidated Law Enforcement Building to include the centralization of all police facilities and operations, 911 Center, and 54A District Court. This analysis should be submitted by January 1st and include the efficiencies that will be achieved, detail analysis of cost savings, and the elimination of redundancies.

15. Capital Improvement Projects

The Internal Auditor will provide an annual report to Council on all projects completed in the prior fiscal year regarding the Capital Improvement Project budgets and all cost overruns or under expenditures. This report will be submitted by January 31st each year for consideration by Council.

16. City's Road Maintenance/Construction Capital Improvement Plan

The Administration is requested to update on an annual basis and submit to Council by January 1st each year.

17. 425 Agreements/Project Labor Agreements

Council will review language to be incorporated in all future City 425 Agreements and Project Labor Agreements that addresses employment opportunities for City of Lansing residents and other issues that will protect the interests of the City.

18. Contracts

The Administration is requested to submit to Council by September 15, 2009, a detailed analysis and recommendations as to which contractual services above \$50,000, which were previously identified, could be brought "in-house", either in part or in total. The analysis should include projected costs and efficiencies.

19. Community Resource Officers

The Chief of Police provided four officers to assigned schools; the City Council strongly suggests that the Lansing School District reimburse the City for half the officers' wages and fringes.

20. Human Services and Community Supported Agencies Funding

The plan for funding Agencies submitted to Council designate particular Agencies. If any agency does not apply for or use their funding, all funds will remain in their respective account(s) for additional appropriation and approval by Council for Human Services and Community Supported Agencies use pursuant to the Charter transfer authority. The Administration/Human Relations Community Services Department is requested to submit to Council a quarterly report on the status of the Human Services and Community Supported Agencies' funding. This report

should include the accounting level detail appropriation; amount spent, balance, and a notation as to whether the balance of funds is expected to be spent by the end of the Fiscal Year; if not, why?

21. Personnel and Fringe Accounts
Administrative transfer authority shall be as set forth in Section 7-107.3 of the City Charter.
22. Event Costs
The Administration is requested to present Council with a detailed analysis by January 1, 2010, of the costs spent by the City on all public events which occurred from July 1, 2009, through December 31, 2009. This analysis is to include a breakdown, by event, the related City costs such as police, public service time, parks, etc. The Administration is to collect this data on a continuous basis and report its findings to Council on January 1st of the calendar year.
23. Pedway
The Administration is requested to submit to Council by October 1, 2009, a detailed plan and budget for the renovation the Pedway.
24. City Capital Improvement and Maintenance
The City's Capital Improvement and Maintenance Plan is referred to Committee of the Whole for review and consideration by January 1, 2010.
25. Wood Street Sidewalk
Administration is requested to review whether a sidewalk on Wood Street is needed.
26. Light on Fairview and Saginaw
Administration is requested to work with MDOT on changing the caution light at Fairview and Saginaw to a full phase traffic signal light and installing a full phase traffic signal light and pedestrian crossway at Marshall and Grand River.
27. Davis Park
The Parks Department is requested to review with Council the Master Plan for Davis Park by September 1, 2009, to determine the priority of the ball diamond and the modular skate park.
28. Sidewalks
The Council supports installation of sidewalks to fill gaps on all streets as outlined in the Public Service Department's 2005 Sidewalk Analysis.
29. Surveillance Cameras
The Mayor has raised sufficient private funds to lease and maintain all surveillance cameras for fiscal year 2009-2010. The Mayor may until he is able to privately fund the remaining cameras, shift camera locations to provide for the widest possible coverage until such time that additional cameras may be procured through private funding.
30. Ambulance Services
Administration is to submit a plan on administering an annual rate Subscription Ambulance Service program to City Council by June 1, 2009.
31. Council's Budget Policy Statement
It is Council's intent and understanding that adoption of the FY 2009-10 budget constitutes the City's official budget priorities and policy.

By Councilmember Robinson

To Adopt the Resolution

By Councilmember Wood

To Amend Budget Policies by inserting

30. AMBULANCE SERVICES
Administration is to submit a plan on administering an annual rate Subscription Ambulance Service program to City Council by June 1, 2009.

and renumbering the remaining section

Motion Carried

By Councilmember Dunbar

To divide the question to allow for separate votes on the Human Relations and Community Services Budget

Motion Carried

By Councilmember Dunbar

To recuse Councilmember Dunbar from the vote on Human Relations and Community Services Budget

Motion Carried

The question being the motion to approve Human Relations and Community Services Budget

Motion Carried (Councilmember Dunbar abstaining)

The question being the motion to approve the remainder of the Resolution

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk:

- i. Providing notice of the Denial of an application for a Cabaret License in the City filed by Derek Wroblewski of CDDM Corporation d/b/a Cheetah's of Lansing, located at 5910 S Pennsylvania Ave. based on the recommendations of the City Treasurer

RECEIVED AND PLACED ON FILE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

i. Budget Update – Development Office, FY 2010

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

ii. Gilbert and West Town Drain Board – Continuing Disclosure Undertaking

RECEIVED AND PLACED ON FILE

• Communications and Petitions, and Other City Related Matters:

a. Notice from the State of Michigan Department of Environmental Quality Water Bureau of the issuance of 2009 Campground License #L-2100-33 Renewal to Life O Riley Mobile Home Park, located at 6726 S. Washington Ave.

RECEIVED AND PLACED ON FILE

b. Letter from Rehman Robson submitting a copy of its consent letter regarding the City of Lansing, Counties of Ingham and Eaton, State of Michigan Capital Improvement Bonds, Series 2009 Limited Tax General Obligation)

RECEIVED AND PLACED ON FILE

c. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Jeffrey Green, President of Capitol Area Golf for Youths, Inc., d/b/a The First Tee Mid-Michigan of P.O. Box 10032

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

d. Michigan Tax Tribunal appeals filed on behalf of:

i. Lansing Retail Center, LLC for property located at:

1. E. Michigan Ave., vacant parcel #33-01-01-14-226-051
2. 300 Frandor Ave. and sub-addresses
3. 3100 E. Saginaw St. and sub-addresses

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

ii. Fountain Place Ltd. Partners for property located at 920 S. Washington Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

iii. BEC Land Co. for property located at:

1. 920 American Rd.
2. 3122 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

e. Resignation from the Principal Shopping District Board submitted by Richard Karp

RECEIVED AND PLACED ON FILE

f. Resignation from the Telecommunications and Cable Advisory Board submitted by MaryAnn Prince

RECEIVED AND PLACED ON FILE

g. Letter from Ammahad-Shekarakki of P.O. Box 13135 requesting a street to be named after Malcolm X

REFERRED TO THE MEMORIAL REVIEW BOARD

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to look into a matter regarding water damage to a property by city workers.

Councilmember Dunbar commented on the relatively smooth budget approval process this year.

Council President Quinney thanked his fellow Councilmembers for the hard work they put in during the budget process. He announced that the Committee of the Whole meeting for this week has been canceled, and that City Hall will be closed on Monday, May 25, 2009 in observance of Memorial Day.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

ADJOURNED TIME 9:15 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 28, 2009**



133

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 1:30 p.m. by Vice-President Robinson.

PRESENT: Councilmembers Allen, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Councilmembers Dunbar, Hewitt, Quinney

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice-President Robinson

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of May 11, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Wood announced the Be a Tourist in Your Home Town event. She spoke about the numerous calls she received regarding basement flooding due to recent storms. Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that citizens could call the Mayor's office if they did not get responses from the Public Service Department regarding flooding issues.

City Clerk Swope stated that absentee ballots applications have been mailed out to those on the permanent list and that ballots should be mailed out in early July.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the amount of rainfall from the recent storms and stated that Edgewood Blvd. near Martin Luther King, Jr. Blvd. is still closed. He announced the Reinvest in America rally.

Vice-President Robinson asked Jerry Ambrose when the intersection of Edgewood Blvd. and Martin Luther King, Jr. Blvd. would reopen and he stated that he anticipates that it will reopen later today or this evening.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

There were no public comments on Legislative Matters.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Arlene Parrish of 3521 Wildwood Ave. spoke about the Administration's response to issues related to an independent contractor who worked on her house.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Alan Tubbs of 427 W. Shiawassee St. spoke about proposed City Charter amendments.

William Hubbell 3916 Wedgewood Dr. spoke about stop signs.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-142

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Pastor Zadie L. Tyner is celebrating her 17th year as the pastor of the Ellis Tabernacle Original Church of God on Sunday, May 17, 2009 at 3:30 p.m.

WHEREAS, she has been in the ministry for approximately 55 years and faithfully served as the assistant pastor to the late Elder Arzo Ellis for 34 years; and

WHEREAS, at age 96, Pastor Tyner is the oldest active pastor in the Original Churches of God; and

WHEREAS, Zadie was born on November 22, 1912 in Brookhaven, Mississippi. She moved to Lansing, Michigan in 1948; and

WHEREAS, she is the proud parent of three fine sons; Joe, Curtis, and James and mother-in-law of Minie, Eunice, and Velma and the matriarch of four generations; and

WHEREAS, Pastor Tyner is a retiree of the Michigan State University and was a volunteer at a local nursing home for 13 years; and

WHEREAS, she has blessed the community through her outreach ministry, in particular, the "True Gospel Hour" telecast on Comcast Channel 16; and

WHEREAS, because of her in-depth knowledge of the Bible and her commitment to continue preaching and teaching the Word of God, she is sometimes referred to as "The Walking Bible," and

WHEREAS, Zadie is an exemplary example of a giving and caring person who truly loves the lord and is a model of good works;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, extends their gratitude to Pastor Tyner for her devotion and inspiration to the Lansing Community and congratulates her on her 17 years as pastor of the Ellis Tabernacle Original Church of God. We wish you continued success!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-143

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Pastor Walter R. Gibson, Jr. became the shepherd of the Pilgrim Rest Baptist Church in October 2006 and was installed on Sunday, January 21, 2007; and

WHEREAS, he is the proud husband and best friend to his lovely wife, Tarsha, and father of two young men, Cameron and Christian; and

WHEREAS, Pastor Gibson holds a Bachelor of Arts degree from Southern Methodist University and a Master of Arts degree from Houston Graduate School of Theology. He is currently enrolled at Grand Rapids Theological Seminary where he is pursuing a doctoral degree; and

WHEREAS, he is the author of *No More Business As Usual: The Church Then and Now*, in which he addresses personal integrity, understanding the time, and devotion; and

WHEREAS, Pastor Walter R. Gibson, Jr. has devoted his life to be of service to others; he ministers through many different facets; such as seminars, revivals, and conferences. He is strong in his belief, which is evident in his preaching and teaching, that the church should be one of the most exciting and encouraging places people can attend; and

WHEREAS, Pastor Gibson is credited with the tremendous corporate and spiritual growth of the Pilgrim Rest Baptist Church, establishing Marriage, Senior, and Young Adult Ministries. He teaches the practical application of the Word of God and truly guides his congregation on their spiritual journey;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, recognizes Pastor Walter R. Gibson, Jr. for his contributions and inspiration to the City of Lansing through his church and community efforts. We wish him continued success!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-144

BY THE PLANNING AND DEVELOPMENT COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously created Lansing Industrial Development District (IDD 01-75) on November 24, 1975 at the property located 2807 S. Martin Luther King Jr. Blvd., in the City of Lansing, Michigan.

WHEREAS, the City of Lansing received and filed an application from Bharat Forge America, Inc., requesting an Industrial Facilities Exemption Certificate (IFT 01-09) for real and personal property investments pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, a public hearing was held April 27, 2009 at 7 p.m., on the Industrial Facilities Exemption Certificate (IFT 01-09) filed by Bharat Forge America, Inc., at which all owners of real and personal property within (IDD 01-75), other City residents and taxpayers, the assessor and the representatives of the legislative body of each taxing unit that levies ad valorem taxes for the (IDD 01-75) area had the opportunity to appear and be heard; and

WHEREAS, Bharat Forge America, Inc. has substantially met all of the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council finds and determines that the granting of this Industrial Facilities Exemption Certificate for personal and/or real property under Public Act 198, shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of any taxing unit which levies ad valorem taxes in the City of Lansing.

BE IT FURTHER RESOLVED that the Lansing City Council hereby approves the application of Bharat Forge America, Inc., for an Industrial Facilities Exemption Certificate (IFT 01-09), for real and personal property investments in the area of (IDD 01-75) legally described as:

N ½ OF NE ¼ OF SE ¼ EXC W 330 FT SEC 29 T4N R2W,

for a period of 12 years, after project completion, provided that this resolution shall be effective upon the execution of a written Industrial Facilities Exemption Certificate Agreement between and the City of Lansing, in the form as filed with the City Clerk.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to execute the aforesaid agreement, subject to prior approval thereof as to form by the City Attorney.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-145

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-19-08, Waverly Golf Course and Michigan Park, Drainage and Traffic Signalization Easements

WHEREAS, in separate requests, the Ingham County Road Commission (ICRC) and the Michigan Department of Transportation (MDOT) wish to acquire easements on the eastern edge of the Waverly Road right of way (ROW) to accommodate roadway drainage, upgraded traffic signalization facilities, ADA pedestrian ramps and improved access to bus transportation; and

WHEREAS, the ICRC requests a 10 foot wide drainage easement along the western edge of the Waverly Golf Course property between Michigan Avenue and Saginaw Street; and

WHEREAS, the ICRC also requests a triangular easement at the southwest corner of the Michigan Park property for an existing and improved traffic signal; and

WHEREAS, MDOT requests a triangular easement at the northwest corner of the Waverly Golf Course for purposes of upgrading the traffic signal at this location, and installing ADA pedestrian ramps and a bus shelter; and

WHEREAS, the proposed storm sewer work to be constructed within the proposed 10 foot easement will assist and benefit in providing much needed drainage relief for Waverly Road and the Waverly Golf Course area; and

WHEREAS, the proposed traffic signalization, pedestrian, and bus shelter improvements will benefit the two parks by improving barrier-free access and circulation in the immediate area of the park; and

WHEREAS, the combined land area of these three easements is 0.63 acres, which is only 0.54% of the land combined area of the two park properties; and

WHEREAS, none of the requested easements would interfere with the public park purpose of the park property; and

WHEREAS, the Parks Board and all of the reviewing agencies have expressed support for or no objection to said easements; and

WHEREAS, the Lansing Planning Board, at its meeting on January 20, 2009, reviewed the request under its Act 285 Review procedures, and found that:

- The ICRC proposal is necessary to fulfill its function of maintaining the Waverly ROW, and the easements will facilitate the use of federal funds for this purpose.
- The MDOT proposal will facilitate traffic signal and pedestrian improvements at a busy intersection in the Lansing region
- The proposed easements will not impair the public park purposes of the Waverly Golf Course or Michigan Park; and

WHEREAS, on January 20, 2009, the Planning Board voted unanimously (5-0) to recommend approval of the requests from the Ingham County Road Commission (ICRC) and the Michigan Department of Transportation (MDOT) that the City convey easements on the western edge of the Waverly Golf Course to accommodate roadway drainage, upgraded traffic signalization facilities, ADA pedestrian ramps and improved access to bus transportation, with conditions stated below; and

WHEREAS, the Council Committee on Development and Planning has reviewed the requests, and the Planning Board's recommendation, and concurs therewith;

NOW THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves Act-19-08 and authorizes granting easements to the Ingham County Road Commission on the Waverly Golf Course property for the sum of One Dollar (\$1.00) for each easement area, described as follows:

EASEMENT DESCRIPTION:

Commencing at the West ¼ corner of Section 18, T4N, R2W, Thence East along the East-West ¼ line of said Section 33.00 feet; Thence North 33.00 feet parallel with the East line of said Section to the Point of Beginning; Thence North 2535.43 feet parallel with the East line of said Section; Thence East 10.00 feet parallel with the North line of said Section; Thence South 2535.43 feet parallel with the East line of said Section; Thence West 10.00 feet parallel with the East-West ¼ line of said section to the point of beginning, Lansing Township, Ingham County, Michigan

For drainage purposes only, provided that the roadway for Waverly road shall not encroach into this easement area.

EASEMENT DESCRIPTION:

Commencing at the West ¼ corner of Section 18, T4N, R2W, Thence East along the East-West ¼ line said section 63 feet; Thence North 33 feet parallel with the West line of said Section to the Point of Beginning; Thence West 30 feet parallel with the East-West ¼ line of said Section; Thence North 30 feet parallel

with the West line of said Section; Thence Southeasterly 42.35 feet to the point of beginning, Lansing Township, Ingham County, Michigan.

For the purposes of traffic signalization and pedestrian improvements only.

BE IT FURTHER RESOLVED, that the Lansing City Council hereby authorizes the conveyance of a permanent easement to the Michigan Department of Transportation for the sum of One Dollar (\$1.00), said easement legally described as:

EASEMENT DESCRIPTION:

That part of Tract "A" lying Northerly, Northwesterly and Westerly of a line described as: Commencing at the Northwest corner of Section 18, Town 4 North, Range 2 West, Township of Lansing, Ingham County, Michigan; thence South, along the West line of said Section 18 a distance of 12.10 feet to the centerline of Highway M-43; thence South 89 degrees 42'59" East, along said centerline 87.58 feet to the point of beginning of said line; thence South 00 degrees 17'01" West, at right angles to said centerline 50.00 feet to the Southerly right of way line of Highway M-43; thence South 45 degrees 21'38" West, 77.82 feet to the Easterly right of way line of Waverly Road; thence West, at right angles to said West Section line 33.00 feet, more or less to said West Section line and the point of ending of said line.

For the sole purposes of traffic signalization, pedestrian improvements, and a bus shelter.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete these transactions, subject to prior approval as to form and content by the City Attorney.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-146

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Cross Street and Emerson Street;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Emerson Street at the intersection of Cross Street;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install stop signs on Emerson Street at the intersection of Cross Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-033, thereby authorizing the Transportation Engineer to install stop signs on Emerson at the intersection of Cross Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-033 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-147

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Frederick Street and Walker Avenue;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Frederick Street at the intersection of Walker Avenue;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install stop signs on Frederick Street at the intersection of Walker Avenue;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-034, thereby authorizing the Transportation Engineer to install stop signs on Frederick Street at the intersection of Walker Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-034 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-148

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Creston Avenue and Fairfield Avenue;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of a yield sign on Fairfield Avenue at the intersection of Creston Avenue;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install a yield sign on Fairfield Avenue at the intersection of Creston Avenue;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic

Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-035, thereby authorizing the Transportation Engineer to install a yield sign on Fairfield Avenue at the intersection of Creston Avenue;;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-035 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-149

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Cedar Street and Paulson Street;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Paulson Street at the intersection of Cedar Street;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install stop signs on Paulson Street at the intersection of Cedar Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-036, thereby authorizing the Transportation Engineer to install stop signs on Paulson Street at the intersection of Cedar Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-036 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-150

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Burchfield Avenue/ Lowcroft Avenue at Washington Avenue;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of a yield sign on Washington Avenue at the intersection of Burchfield Avenue/Lowcroft Avenue;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install a yield sign on Washington Avenue at the intersection of Burchfield Avenue/Lowcroft Avenue;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-037, thereby authorizing the Transportation Engineer to install a yield sign on Washington Avenue at the intersection of Burchfield Avenue/Lowcroft Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-037 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-151

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Christopher Street and Cross Street;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Cross Street at the intersection of Christopher Street;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install stop signs on Cross Street at the intersection of Christopher Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-038, thereby authorizing the Transportation Engineer to install stop signs on Cross Street at the intersection of Christopher Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-038 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-152

BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Creston Avenue and Thomas Street;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of a stop sign on Creston Avenue at the intersection of Thomas Street;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install a stop sign on Creston Avenue at the intersection of Thomas Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-039, thereby authorizing the Transportation Engineer to install a stop sign on Creston Avenue at the intersection of Thomas Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-039 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-153

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Risdale Avenue and Wainwright Avenue;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of a stop sign on Wainwright Avenue at the intersection of Risdale Avenue;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install a stop sign on Wainwright Avenue at the intersection of Risdale Avenue;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-040, thereby authorizing the Transportation Engineer to install a stop sign on Wainwright Avenue at the intersection of Risdale Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-040 shall

become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate signs are installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-154

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Carrier Street and Felt Street;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Carrier Street at the intersection of Felt Street;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install stop signs on Carrier Street at the intersection of Felt Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-041, thereby authorizing the Transportation Engineer to install stop signs on Carrier Street at the intersection of Felt Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-041 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-155

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Tecumseh Avenue and Windsor Street;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install stop signs on Windsor Street at the intersection of Tecumseh Avenue;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council

approves Traffic Control Order No. 06-026, thereby authorizing the Transportation Engineer to install stop signs on Windsor Street at the intersection of Tecumseh Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 06-026 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate signs are installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-156

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Palmer Street and Rosadell Avenue;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to install stop signs on Rosadell Avenue at the intersection of Palmer Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Administration;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 06-027, thereby authorizing the Transportation Engineer to install stop signs on Rosadell Avenue at the intersection of Palmer Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 06-027 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate signs are installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-157

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in 2007 the City of Lansing Public Service constructed a traffic diverter west of Pine Street at the intersection of Lapeer Street;

WHEREAS, the installation of the traffic diverter modified traffic operations at the intersection of Lapeer Street and Pine Street;

WHEREAS, pursuant to Section 2.53(2) of the Codified Ordinances of Lansing, Michigan, the Transportation Engineer on August 8, 2007, enacted a temporary traffic control order 07-055 to address the new traffic operations at the intersection of Lapeer Street and Pine Street and installed the appropriate traffic signs;

WHEREAS, the temporary traffic control order will expire in 90 days from filing with the City Clerk's Office, and permanent traffic control order is needed;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Administration;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 07-055, thereby authorizing the Transportation Engineer to continue regulating traffic operations at the intersection of Lapeer and Pine Streets;

BE IT FINALLY RESOLVED that Traffic Control Order No. 07-055 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-158

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in 2007 the City of Lansing Public Service constructed a traffic diverter south of Saginaw Street at the intersection of Sycamore Street;

WHEREAS, the installation of the traffic diverter modified traffic operations at the intersection of Saginaw Street and Sycamore Street;

WHEREAS, pursuant to Section 2.53(2) of the Codified Ordinances of Lansing, Michigan, the Transportation Engineer on August 8, 2007, enacted a temporary traffic control order 07-056 to address the new traffic operations at the intersection of Saginaw Street and Sycamore Street and installed the appropriate traffic signs;

WHEREAS, the temporary traffic control order will expire in 90 days from filing with the City Clerk's Office, and permanent traffic control order is needed;

WHEREAS, the Mayor concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Administration;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 07-056, thereby authorizing the Transportation Engineer to continue regulating traffic operations at the intersection of Saginaw and Sycamore Streets;

BE IT FINALLY RESOLVED that Traffic Control Order No. 07-056 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-159

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted an investigation of the parking activities and roadway conditions on Moores River Drive between Mount Hope Avenue and Cambridge Road;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends increased parking regulations on Moores River Drive;

WHEREAS, based upon the results of this study, the Traffic Board, due to a lack of quorum, is forwarding a positive, but unofficial, recommendation concurring with the Transportation and Parking Office to implement

increased parking regulations on Moores River Drive;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-001, thereby authorizing the Transportation Engineer to implement increased parking regulations on Moores River Drive;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-001 shall become effective when signed by the Transportation Engineer and filed with the city Clerk and the appropriate sign is installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-160

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office received a request from the Edgewood Villas senior housing development to evaluate the possible improvements that would facilitate improved access to CATA transit bus services;

WHEREAS, the Transportation and Parking Office, in conjunction with CATA, identified a location for a turnaround west of Washington Avenue that would facilitate additional transit service along Edgewood Boulevard;

WHEREAS, the Transportation and Parking Office received a Congestion Mitigation and Air Quality (CMAQ) grant to facilitate construction of this turnaround;

WHEREAS, the City Council approved acceptance of this grant and authorized the expenditure of the required matching funds;

WHEREAS, the Transportation and Parking Office worked for almost a year trying to acquire the necessary right of way to construct the turnaround but was ultimately unable to reach an agreement with the property owner;

WHEREAS, the Transportation and Parking Office revised the design of the bus turnaround to fit completely within the existing road right of way;

WHEREAS, in November of 2007, the Public Service Department made the necessary roadway modifications to the south side of Edgewood Boulevard to accommodate bus movements at the existing westernmost turnaround on Edgewood Boulevard;

WHEREAS, the Transportation and Parking Office installed temporary pavement markings, channeling devices and property signs and evaluated the modified lane usage on Edgewood Boulevard between Georgetown Boulevard and Washington Avenue;

WHEREAS, based upon the results of this study, and feedback from CATA, the Transportation and Parking Office is forwarding a recommendation to provide for a permanent widened median cross over;

WHEREAS, the Mayor concurs with the recommendation;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 08-018, thereby authorizing the Transportation Engineer to regulate the lane usage on Edgewood Boulevard between Georgetown Boulevard and Washington Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 08-018 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs and markings are installed.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-161

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, as part of the Neighborhood Study and Traffic Calming Program, the Transportation and Parking Office has conducted a traffic study of Area 17, which is bounded by the Grand River on the north, Martin Luther King Jr. Boulevard on the east, Mount Hope Avenue on the south, and the Grand River on the west;

WHEREAS, the Transportation and Parking Office met with Area 17 residents at an Issues Meeting on March 19, 2002, to answer questions and discuss their concerns about traffic issues in Area 17;

WHEREAS, the Transportation and Parking Office formulated a neighborhood traffic calming plan based on the Transportation and Parking Office's traffic study, comments from residents, and input from other City agencies;

WHEREAS, the Transportation and Parking Office notified residents that a Solutions Meeting would be held on June 11, 2003 to discuss the proposed traffic calming measures being recommended for Area 17, and a consensus vote would be taken at the conclusion of the meeting for implementation of the traffic calming plan;

WHEREAS, the Transportation and Parking Office held a Solutions Meeting with residents of Area 17 on June 11, 2003, to review the proposed Area 17 neighborhood traffic calming recommendations, and to get input from residents regarding this plan;

WHEREAS, based on input and concerns raised during the meeting, the Transportation and Parking Office mailed a postage paid survey to the residents of Area 17;

WHEREAS, the results of the survey indicated that 53% of the returned surveys supported the plan as it was presented, 29% of the returned surveys were opposed to the plan as it was presented, and 18% were returned with no indication;

WHEREAS, the Transportation and Parking Office recommends implementation of the traffic control portion of this plan to eliminate uncontrolled intersections within the area and update current traffic control at intersections where needed;

WHEREAS, the minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's Office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Area 17 traffic calming plan dated January 24, 2007;

BE IT FURTHER RESOLVED, that the Transportation Engineer is hereby authorized to implement the Area 17 traffic calming plan, including all required traffic control orders as necessary;

BE IT FINALLY RESOLVED that the Committee on Public Safety and the Transportation and Parking Office will continue to monitor Area 17 and the proposed measures of the implemented traffic calming plan.

By Councilmember Allen

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

THIS ITEM WAS MOVED TO THE JUNE 1, 2009 CITY COUNCIL MEETING

Recommending Adoption of Z-10-2008; Rezoning the property located at 527 W. Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building at this location for a law office and title insurance company

RESOLUTION #2009-162 REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on May 21, 2009 and reviewed and ordinance amendment to Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District.

The Committee recommends adoption of the ordinance amendment to Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District.

Signed: Brian Jeffries, Chairperson
Sandy Allen, Vice Chairperson
Derrick Quinney, Member

By Councilmember Jeffries

To receive this Committee Report

Motion Carried

RESOLUTION #2009-163 REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on May 21, 2009 and reviewed and ordinance amendment to Chapter 1442, Section 1442.02 of the Lansing Codified Ordinances by modifying, adding, and deleting certain definitions for signs.

The Committee recommends adoption of the ordinance amendment to Chapter 1442, Section 1442.02 of the Lansing Codified Ordinances by modifying, adding, and deleting certain definitions for signs.

Signed: Brian Jeffries, Chairperson
Sandy Allen, Vice Chairperson
Derrick Quinney, Member

By Councilmember Jeffries

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE AMEND PART 4, TRAFFIC CODE, SECTION 11.4(8), ADD

CHAPTER 13

By Councilmember Allen, Chair of the Committee on Public Safety

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Public Safety

By Councilmember Allen

That:

An Ordinance of the City of Lansing to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act

was introduced by Councilmember Allen and read by its title

RESOLUTION #2009-164**RESOLUTION SETTING PUBLIC HEARING**

By Councilmember Allen

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, June 8, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act.

Interested Persons are invited to attend this Public Hearing

By Councilmember Allen

Motion Carried

INTRODUCTION OF ORDINANCE

By Councilmember Jeffries, Chair of the Committee on Development and Planning

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Development and Planning

By Councilmember Jeffries

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances for property located at:

Z-2-2009; 600 W. Maple St., rezoning from ""B" Residential District to "D-1" Professional District

was introduced by Councilmember Jeffries, read by its title and referred to the Committee on Development and Planning.

RESOLUTION #2009-165

**BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, June 22, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-2-2009; 600 W. Maple St., rezoning from ""B" Residential District to "D-1" Professional District

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

THIS ITEM WAS MOVED TO THE JUNE 1, 2009 CITY COUNCIL MEETING

Adoption of Z-10-2008; Rezoning the property located at 527 W. Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building for a law office and title insurance company

BY COUNCILMEMBER JEFFRIES

That we move to the passage of Ordinances

By Councilmember Jeffries

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 1442, Section 1442.24 of the Lansing Codified Ordinances by modifying the regulations for signs in the Capitol Center District be now passed.

YEAS: Councilmembers Allen, Jeffries, Kaltenbach, Robinson, Wood

NAYS: None

ABSENT: Councilmembers Dunbar, Hewitt, Quinney

ORDINANCE #1140

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 1442, SECTION 1442.24 OF THE LANSING CODIFIED ORDINANCES BY MODIFYING THE REGULATIONS FOR SIGNS IN THE CAPITOL CENTER DISTRICT.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1442, Section 1442.24 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

1442.24. Sign regulations applicable to the capitol center district. No sign shall be erected or constructed within the Capitol Center District that does not comply with the ~~general~~ rules and regulations contained in this chapter, ~~or~~ AND any ~~special~~ OTHER APPLICABLE regulation pertaining to the Capitol Center District.

(a) *Temporary Signs.*

(1) ~~Mobile temporary signs. All mobile temporary signs are prohibited unless permitted by the City.~~ EACH PARCEL OF LAND IS PERMITTED ONE (1)

MOBILE TEMPORARY SIGN UP TO FIFTY (50) SQUARE FEET IN AREA FOR A MAXIMUM OF THIRTY (30) DAYS DURING THE COURSE OF ONE (1) CALENDAR YEAR. SUCH SIGNS MUST BE SETBACK AT LEAST TEN (10) FEET FROM ALL PROPERTY LINES ADJACENT TO THE ROAD RIGHT-OF-WAY.

- (2) ~~Banners. Duration, location, size and design of banners over public rights of way are allowed only with the approval of the City.~~ EACH BUSINESS IN THE CAPITOL CENTER DISTRICT IS PERMITTED TO HAVE ONE BANNER SIGN, UP TO FIFTY (50) SQUARE FEET IN AREA, FOR A MAXIMUM OF THIRTY (30) DAYS DURING THE COURSE OF ONE (1) CALENDAR YEAR.

- (3) SANDWICH BOARD SIGNS. EACH BUSINESS IN THE CAPITOL CENTER DISTRICT IS PERMITTED TO HAVE ONE (1) SANDWICH BOARD SIGN, NOT TO EXCEED FOUR (4) FEET IN HEIGHT AND TWO (2) FEET IN WIDTH. SANDWICH BOARD SIGNS MAY BE DISPLAYED DURING REGULAR BUSINESS HOURS AND MUST BE PLACED PERPENDICULAR TO AND WITHIN THREE (3) FEET OF THE BUILDING WALL.

- (4) APPLICATIONS FOR SANDWICH BOARD & BANNER SIGNS: APPLICATIONS FOR SANDWICH BOARD SIGNS AND BANNER SIGNS THAT ARE LOCATED IN THE PUBLIC RIGHT-OF-WAY AND ARE WITHIN THE PRINCIPAL SHOPPING DISTRICT SHALL BE SUBMITTED TO THE PRINCIPAL SHOPPING DISTRICT OFFICE FOR REVIEW AND APPROVAL.

- (b) ~~Wall Signs. A wall sign or a combination of two wall signs shall be allowed based upon the following formula, in the D-1, E-1, E-2, F, G-1, G-2, H & I Zoning Districts:~~

- (1) ~~Fifteen percent of the first story facade of the building, not to exceed 40 square feet, shall be permitted.~~ EACH GROUND FLOOR BUSINESS ESTABLISHMENT SHALL BE PERMITTED TO HAVE ONE (1) WALL SIGN ON EACH WALL.

- (2) ~~If a ground pole sign is erected, only one wall sign shall be permitted.~~ ALLOWABLE WALL SIGN AREA SHALL BE DETERMINED BY THE AMOUNT OF BUILDING WALL FRONTAGE THAT THE ESTABLISHMENT OCCUPIES, IN ACCORDANCE WITH THE FOLLOWING TABLE:

BUILDING FRONTAGE	MAXIMUM WALL SIGN AREA
UP TO 39 LINEAL FEET OF BUILDING FRONTAGE	15% OF BUILDING FACADE AREA TO MAXIMUM SIZE 50 SQ. FT.
40 FEET TO 99 FEET OF LINEAL BUILDING FRONTAGE	15% OF BUILDING FACADE AREA MAXIMUM SIZE 150 SQ. FT.
100 FEET AND UP OF LINEAL BUILDING FRONTAGE	15% OF BUILDING FACADE AREA TO MAXIMUM SIZE 200 SQ. FT.
H & I ZONED BUILDINGS OF OVER 200 LINEAL FEET OF BUILDING FRONTAGE	15% OF BUILDING FACADE AREA TO MAXIMUM SIZE 300 SQ. FT.
BUILDING FACADE AREA CALCULATED BY 15 FEET (HEIGHT) X BUILDING WIDTH.	

- (3) ~~Properties with more than one street frontage shall be allowed a maximum of 40 square feet.~~ WHERE A

BUSINESS ESTABLISHMENT OCCUPIES NO PART OF THE BUILDING FRONTAGE, ONE (1) EIGHT (8) SQUARE FOOT WALL SIGN SHALL BE PERMITTED. SUCH BUSINESS ESTABLISHMENTS MAY HAVE ONE (1) WALL SIGN OR ONE (1) PROJECTING SIGN AS REGULATED ELSEWHERE IN THIS CHAPTER, BUT NOT BOTH.

- (4) ~~Properties which, in unique circumstances, require larger wall signs, may appeal to the Board of Zoning Appeals. This special approval variance can only grant larger wall signs up to maximum City-wide limitations.~~ WALL SIGNS SHALL BE PLACED AT A MAXIMUM HEIGHT OF FIFTEEN (15) FEET, MEASURED FROM THE TOP OF THE SIGN TO THE GROUND OR SIDEWALK. BUILDINGS WITH MORE THAN FOUR (4) STORIES MAY PLACE ONE (1) BUILDING IDENTIFICATION SIGN ON THE BUILDING PARAPET OR WITHIN TEN (10) FEET OF THE BUILDING ROOF LINE ON EACH WALL. THE ALLOWABLE SIZE FOR BUILDING IDENTIFICATION SIGNS SHALL BE COMPUTED USING THE STANDARD WALL SIGN TABLE IN SECTION 1442.24(B)(2).

- BUILDING IDENTIFICATION SIGNS SHALL NOT BE DEDUCTED FROM THE TOTAL AMOUNT OF WALL SIGNAGE PERMITTED FOR THE BUILDING OR THE BUSINESS ESTABLISHMENTS THEREIN. NO WALL SIGN SHALL OBSTRUCT ANY DOOR, WINDOW, FIRE ESCAPE OR VENTILATION SYSTEM AND SHALL NOT BE ERECTED TO EXTEND ABOVE THE TOP OF A WALL OR BEYOND THE ENDS OF THE WALL TO WHICH THEY ARE ATTACHED, EXCEPT AS OTHERWISE PERMITTED BY THIS SECTION.

- (6) NO WALL SIGN SHALL EXTEND MORE THAN TWENTY-FOUR (24) INCHES BEYOND THE WALL OF THE BUILDING TO WHICH IT IS ATTACHED. WALL SIGNS MAY EXTEND UP TO THIRTY-SIX (36) INCHES BEYOND THE WALL OF THE BUILDING TO WHICH IT IS ATTACHED IN ORDER TO ACCOMMODATE A CURVED DESIGN OR A SIGN THAT HAS DEPTH THROUGH OVERLAPPING PLANES OR VARYING PLANE THICKNESSES.

- (7) RESTAURANTS IN THE CAPITOL CENTER DISTRICT ARE PERMITTED TO HAVE ONE (1), SIX (6) SQUARE FOOT WALL SIGN, DISPLAYING A MENU, MOUNTED FLAT AGAINST THE WALL OF THE BUILDING. SUCH SIGNS SHALL NOT BE DEDUCTED FROM THE TOTAL AMOUNT OF WALL SIGNAGE THAT IS PERMITTED FOR THE BUSINESS ESTABLISHMENT.

- (c) ~~Ground Pole Signs.~~

- (1) Only one ground pole sign per property is permitted.
 (2) Dimensions for ground pole signs in the D-1, E-1, E-2, F-1, F, G-1, G-2, H and I Zoning Districts shall be based upon the following table (excerpted from ground pole City-wide regulations):

Maximum Area (sq. ft.)	Minimum setback (ft.)	Maximum Height (ft.)
25	5	5
26	6	6

27	7	7
28	8	8
29	9	9
30	10	10

- (3) ~~Dimensions for ground pole signs in the D-1 Professional Office Zoning District shall be based on the following:~~

Parcel Area	Maximum Sign Area (sq. ft.)	Minimum Setback (ft.)	Maximum Height (ft.)
Less than 1/2 acre	15	40	6
	20	45	6
1/2 - 1 acre	25	5	5
	26	6	6
	27	7	7
	28	8	8
	29	9	9
	30	40	40

- (4) ~~Owners of properties which, in unique circumstances, require larger ground pole signs, may appeal to the Board of Zoning Appeals. This appeal can only grant ground pole signs up to the maximum City wide limitations.~~

- (d) ~~Projecting Signs. One projecting sign per structure shall be permitted, subject to the following conditions:~~
- (1) ~~Four feet maximum projection; ONE PROJECTING SIGN PER BUSINESS ESTABLISHMENT SHALL BE PERMITTED, EXCEPT AS OTHERWISE PROHIBITED BY THIS SECTION~~
 - (2) ~~May project over the right of way with approval of the Department of Planning and Municipal Development; PROJECTING SIGNS MUST BE PERPENDICULAR TO THE BUILDING AND MAY HAVE A MAXIMUM AREA OF 16 SQUARE FEET AND A MAXIMUM PROJECTION OF 4 FEET, 6 INCHES.~~
 - (3) ~~Property is unable to erect a ground pole sign because it cannot meet the minimum ground pole sign restrictions; and WHERE A PROJECTING SIGN IS LOCATED ON A CORNER BUILDING~~

AND IS USED IN LIEU OF ONE (1) PERMITTED WALL SIGN, THE AREA OF THE PROJECTING SIGN MAY EXCEED SIXTEEN (16) SQUARE FEET AND SHALL BE DEDUCTED FROM THE TOTAL ALLOWABLE WALL SIGN AREA FOR THE BUILDING ESTABLISHMENT. SUCH SIGNS SHALL BE VISIBLE FROM AT LEAST TWO (2) DIRECTIONS.

(4) ~~The maximum square footage of a projecting sign is 16 square feet and the area of the projecting sign will be deducted from the permitted maximum~~ PROJECTING SIGNS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 8 FEET FROM THE BOTTOM EDGE OF THE SIGN TO THE GROUND OR SIDEWALK, OR 15 FEET IF OVERHANGING AN ALLEY.

- (e) *Painted Wall Signs.* Painted wall signs are permitted, provided they comply with the same standards as other wall signs.
- (f) *Awning/Canopy Signs.*
 - (1) Awning/canopy signs shall be regulated as wall signs.
 - (2) The square footage of the sign shall be determined by striking straight lines around the extremities of the text or message to form a square or rectangle. The total area of the awning or canopy shall not be used in computing the size of the sign.
- (g) *Institutions/Multiple Residential Identification Signs.* This type of sign is regulated the same as in the remainder of the City.
- (h) *Prohibited Signs.* The following signs are prohibited:
 - (1) Permanent billboards; AND
 - (2) Roof signs; and
 - (3) ~~Parapet signs.~~
- (I) *WINDOW SIGNS:* WINDOW SIGNS SHALL NOT EXCEED 20% OF THE WINDOW AREA FROM WHICH THE SIGN CAN BE SEEN FROM THE EXTERIOR OF THE BUILDING. ALL MOUNTING HARDWARE AND EQUIPMENT SHALL BE CONCEALED FROM THE EXTERIOR VIEW OF THE BUILDING.
- (J) *EXEMPTIONS:* BUILDINGS IN THE CAPITOL CENTER DISTRICT THAT ARE USED FOR A PUBLIC PURPOSE AND ARE OWNED OR ENTIRELY OCCUPIED BY THE UNITED STATES FEDERAL GOVERNMENT, STATE OF MICHIGAN OR THE CITY OF LANSING AND ANY OF ITS AGENCIES, DEPARTMENTS OR INSTRUMENTALITIES ARE EXEMPT FROM THE DIMENSIONAL REQUIREMENTS OF THIS CHAPTER. THE DIRECTOR OF THE DEPARTMENT OF PLANNING & NEIGHBORHOOD DEVELOPMENT SHALL HAVE SOLE AUTHORITY TO APPROVE OR DENY SIGNS FOR THESE AGENCIES AFTER REVIEWING THE PROPOSED SIGNS' COMPATIBILITY WITH THE SURROUNDING AREA AND THE GOALS EXPRESSED IN THIS CHAPTER.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.
By Councilmember Jeffries

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 1442, Section 1442.02, of the Lansing Codified Ordinances by modifying adding and deleting certain definitions for signs be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 1442, Section 1442.02, of the Lansing Codified Ordinances by modifying adding and deleting certain definitions for signs be now passed.

YEAS: Councilmembers Allen, Jeffries, Kaltenbach, Robinson, Wood

NAYS: None

ABSENT: Councilmembers Dunbar, Hewitt, Quinney

ORDINANCE #1141

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 1442, SECTION 1442.02, OF THE LANSING CODIFIED ORDINANCES BY MODIFYING, ADDING AND DELETING CERTAIN DEFINITIONS FOR SIGNS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1442, Section 1442.02, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

1442.02. Definitions.

In the construction of this chapter and any subsequent amendments thereto, the words and terms shall have the following described meanings, except where the context clearly indicates otherwise.

Abandoned sign means any sign which is still on the premises six months after a business ceases to operate or moves from the location. An abandoned sign shall be considered an unlawful use and an unlawful sign.

Alteration means any construction or repair which significantly changes a sign, including additions or deletions to the sign structure.

Animated sign means a sign which indicates movement using lights or moving parts.

Approved plastic material means plastic material approved by U.B.C. Standard 52-3.

Area means the entire area within the limits of writing or pictorial representation together with any frame or other material or color forming an integral part of the display, but excluding the necessary supports or uprights on which such sign is placed. The area shall be determined by measuring from the outside edge of the frame, material or color forming the sign. If the sign has no backing, but a wall or canopy is used as the background, a square or rectangle shall be formed around the text or symbols, and those dimensions used to compute the area. When a sign has two or more faces, the area of the largest face shall be used in determining the area of the sign.

Balloon means any device capable of being inflated with air, helium or other gas, and mounted, tied or tethered in such a manner as to prevent the balloon from being carried away by the wind.

Banner sign means any sign produced on cloth, paper, fabric or any other combustible material, either with or without a supporting framework.

Billboard means any display sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.

Building facade means the front of a building facing a right-of-way. In the case of a corner lot, or in the case of a building covering an entire block a building may have more than one facade.

BUILDING FRONTAGE MEANS THE LINEAR FOOTAGE OF THE FRONT WALL OF THE BUILDING OR THE SIDE THAT CONTAINS THE MAIN BUILDING ENTRANCE.

Canopy means a structure or frame covered with canvas, vinyl or other material and usually extending from a wall of a building, which provides shelter from sunlight and the elements. "Canopy" also includes awnings.

Canopy sign means a sign, displayed and affixed flat on the surface of a canopy, which does not extend vertically or horizontally beyond the limits of the canopy.

Changeable copy sign means any sign designed or constructed whereby the lettering or message usually contained thereon is capable of being changed by rearranging or installing new letters or messages without removing, replacing or resurfacing the face of such sign.

Combination sign means any sign which combines the characteristics of two or more signs.

Department means the Department of Planning and Municipal NEIGHBORHOOD Development.

Dilapidated sign means any sign which, by reason of damage, exposure to the elements, age, natural deterioration, lack of maintenance or other causes, has deteriorated so as to have fallen into a state of disrepair.

Directional sign means an on-premises sign containing noncommercial messages, including, but not limited to, designation of rest rooms, telephone locations, restrictions on smoking and door openings. "Directional sign" also means a sign containing noncommercial messages for, but not limited to, private traffic control and parking signs.

Director means the Director of the Department of Planning and Municipal NEIGHBORHOOD Development of the City, or his or her designated enforcement officer.

Display surface means the area available on the sign structure for the purpose of displaying an advertising message.

Disrepair means any sign as defined herein, which by reason of neglect, damage or deterioration, requires repair.

Double-faced sign means any sign containing two sign surfaces.

Existing sign means any sign which is displayed on and after the effective date of this chapter.

Gasoline price sign means any sign more than two square feet in area, which is used to advertise the price of gasoline or other fuels. In the event that brand education is used or is a part of the sign advertising price, it shall be considered as part of the gasoline price sign.

Ground pole sign means a sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not part of a building.

Height of sign means the maximum vertical from the uppermost extremity of a sign or sign support to the average ground level elevation at the base of the sign.

Illuminated sign means any sign which has characters, letters, designs, faces, backgrounds or outlines illuminated by incandescent or fluorescent lamps or luminous tubes as part of the sign proper, such light sources being either external or internal.

Institutional use means schools, churches, hospitals or any other public or quasi-public use permitted in a zoning district.

Mansard roof means a sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee means a permanent roof-like structure extending from part of the wall of a building, but not supported by the ground, and constructed of material such as metal, glass, wood or any other construction material.

Marquee sign means a sign which is attached to a marquee. These signs shall be treated as wall signs.

Message unit means a word, an abbreviation, a number containing up to seven digits, a symbol, a geometric shape and/or a person's or firm's initials containing up to seven letters. Letters or numbers four inches or smaller in height and punctuation marks are not counted in computing a number of message units. When a double-faced or multiple-faced sign is [installed], only the message units on one side of such sign shall be counted in computing the permitted number of message units.

Mobile temporary sign means a sign supported on a mobile frame with or without wheels, but not including motor vehicles. It is not permanently affixed to the ground and is capable, with minor modification, of being moved from one location to another. For the purposes of this

chapter, a trailer sign is considered to be a mobile temporary sign.

Moving message board means an electrical sign designed to exhibit a pattern of letters or [numbers] delivered in such fashion so as to appear to be moving lines or words of type.

Multiple-faced sign means any sign containing three or more [surfaces containing] words, numbers, figures, devices, designs or trademarks visible to the general public, and designed to inform or attract the attention of persons, so that such messages as contained on the sign face are visible to persons viewing such signs from two or more directions.

Noncombustible, as applied to building construction material, means a material which, in the form in which it is used, is either one of the following: TESTED AND APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 703.4 OF THE MICHIGAN BUILDING CODE.

- A. ~~Material of which no part will ignite and burn when subjected to fire. Any material conforming to U.B.C. Standard No. 4.1 shall be considered noncombustible within the meaning of this section.~~
- B. ~~Material having a structural base of noncombustible material as defined in A. hereof, with a surfacing material not over one eighth of an inch thick which has a flame spread rating of 50 or less. "Noncombustible" does not apply to finish materials. Materials required to be noncombustible for reduced clearances to fires, heating appliances or other sources of high temperature shall refer to material conforming to A. hereof. No material shall be classed as noncombustible which is subject to increase in combustibility or flame spread rating, beyond the limits herein established, through the effects of age, moisture or other atmospheric conditions.~~

Flame spread rating as used herein, refers to a rating obtained according to tests conducted as specified in U.B.C. Standard No. 42.4.

Nonconforming sign means any sign, existing on and after the effective date of this chapter, which does not comply with one or more of the requirements for signs as contained in this chapter.

Parapet means that part of any wall entirely above any roofline of a building.

Plastic material means those materials made wholly or principally from standardized plastics listed in and described in the U.B.C. Standards, THAT MEET THE REQUIREMENTS OF SECTION H107 OF THE MICHIGAN BUILDING CODE.

Political sign means a sign announcing the candidacy of a person or persons running for public office or issues to be voted upon at an election.

~~**Projecting encroaching sign** means a projecting sign that projects beyond a private property line into and over public property.~~

Projecting sign means a sign, other than a wall sign, suspended from or supported by a building AFFIXED TO THE EXTERIOR BUILDING WALL WITH THE EXPOSED FACES PERPENDICULAR TO THE PLANE OF SUCH BUILDING WALL.

Roof sign means a sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or which is attached to the roof in any way. THAT EXTENDS ABOVE THE HIGHEST POINT OF THE ROOF OR PARAPET WALL OF A BUILDING OR STRUCTURE.

Rotating sign means any sign or advertising device that rotates or gives the appearance or optical effect of rotating.

SANDWICH BOARD SIGN MEANS A PORTABLE A-FRAME SIGN COMPRISED OF 2 SEPARATE PANELS OR FACES THAT ARE TYPICALLY JOINED AT THE TOP BY HINGES.

Setback means the protected area within which there is no encroachment. For the purposes of this chapter, all setback dimensions shall be measured from the property line.

Sign means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign support means a supporting structure with or without a

sign thereon.

Temporary sign means a sign, banner, inflatable or other advertising device constructed of wood, cloth, canvas, fabric or other light material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

Time and temperature sign means a sign with numbers expressing the time and/or temperature and designed to reflect changes in such information.

~~**U.B.C. Standards** means the standards for the Uniform Building Code, being Part XI of the Uniform Building Code, as adopted by the City and as amended from time to time.~~

Uniform MICHIGAN Building Code means the **Uniform INTERNATIONAL Building Code**, published by the International Conference of Building Officials CODE COUNCIL, INC. as adopted and amended from time to time BY THE STATE OF MICHIGAN, BUREAU OF CONSTRUCTION CODES.

Unsafe or dangerous sign means any sign which becomes insecure or in danger of falling.

Unlawful sign means any sign that is erected or maintained in violation of this chapter.

UPPERMOST BUILDING LINE MEANS THE UPPERMOST HORIZONTAL LINE OF A BUILDING FORMED BY A ROOF, MANSARD ROOF, WALL OR PARAPET WALL.

Wall sign means a sign which is attached to, and/or affixed to, the face of the wall of any building, structure or part thereof, provided that no part of any such sign extends more than 24 inches from the face of the exterior wall. THAT IS ATTACHED DIRECTLY TO A WALL, MANSARD ROOF, ROOF OVERHANG, PARAPET WALL, OR CANOPY WITH THE EXPOSED FACE OF THE SIGN IN A PARALLEL PLANE TO THE BUILDING WALL OR THE SURFACE ON WHICH IT IS MOUNTED. THIS INCLUDES WRITING, LETTERS OR NUMBERS PLACED OR PAINTED DIRECTLY ON A BUILDING OR WALL SURFACE.

Window sign means any paper, cardboard or painted graphics or other material conveying an advertising message, which is designed for or placed behind any window visible to the public.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;

COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Jeffries that all items be considered as being read in full and that Vice-President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the placement on file of an Audit of the Imprest Cash accounts from the Internal Auditor

RECEIVED AND PLACED ON FILE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. SLU-1-2009; 801 S. Holmes St., Planning Board recommendations regarding a request filed by Mt. Hope Church to utilize the property located at 801 S. Holmes St. for a church

RECEIVED AND PLACED ON FILE

- ii. ACT-4-09; 2525 E. Cavanaugh Rd., Vacate Segment of Bear Swamp Drain

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Transfer of Funds; General Fund Operating, Bullet Proof Vest Project, & State/Federal Programs – Police

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Authorizing Issuance and Sale of Capital Improvement Bonds

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- v. Requesting a Public Hearing for 2009-2010 Principal Shopping District Special Assessment

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- Communications and Petitions, and Other City Related Matters:

- a. Letter from the United States Department of Energy providing notice of the City of Lansing's eligibility to receive a direct formula grant as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program

RECEIVED AND PLACED ON FILE

- b. Letter from the State of Michigan Department of Environmental Quality providing notice of the City of Lansing's application for a permit to construct a pedestrian bridge, remove existing outfalls and construct new storm water outfalls with riprap for the purpose of providing access to riverfront parkland along the Grand River. The project locations are the east and west banks of the Grand River between Shiawassee St. and Michigan Ave. The proposed pedestrian bridge has two 93-foot 3-inch long by 16.5-foot wide sections which connect to a center platform over the river that is 10-foot wide by 39 -foot long and supported by six 18-inch in diameter by 30 to 35-foot long pilings. Construction of the south bridge abutment includes removal of 38 feet of existing seawall along the river edge. Wetland vegetation will be planted and established along the east bank at the normal water elevation. Two existing storm water outfall headwalls will be removed and eight cubic yards of riprap will be placed at three outfalls. The new City Market, retaining walls, grading, excavation and fill is also proposed in the flood plain and flood way

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Letter from the State of Michigan Liquor Control Commission providing 15-Day Notice of an application from Jaye, Edward, d/b/a J's Party Store requesting to add Elaine Jaye as Partner with Edward Jaye on 2009 SDD and SDM Licensed Business with Sunday Sales Permit and Direct-Connection-1, located at 6433 W Saginaw St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Letter on behalf of Ingham County Treasurer, Eric Schertzing, submitting a list of property tax foreclosed parcels in the City of Lansing for the purpose of acquiring the properties

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

e. Michigan Tax Tribunal Appeals filed on behalf of:

- i. General Motors Corporation for property located at:
 1. 8837 Guinea Rd.
 2. 8175 Millett Hwy.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY ATTORNEY

- ii. Lansing Marc, LLC for property located at 6500, 6520, 6545, & 6546 Mercantile Way; 920 & 1000 Long Blvd.; 1048 Pierpont St.; 6810 S. Cedar St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY ATTORNEY

- f. Affidavit of Disclosure filed by Judith Horning of the Lansing Police Department

REFERRED TO THE BOARD OF ETHICS

- g. Letter from Nancy Mahlow, President of the Eastside Neighborhood Organization, stating concerns with plans for the Board of Water and Light Sludge Pond, Aurelius Rd. Location

RECEIVED AND PLACED ON FILE

- h. Letter of Resignation from the Elected Officers Compensation Commission submitted by Marilyn Plummer

RECEIVED AND PLACED ON FILE

- i. Letter from Alan Tubbs of 427 W. Shiawassee St. and Gregory Frens of 226 W. Genesee St. submitting a proposed change to City Charter Article 2, Chapter 1

REFERRED TO THE COMMITTEE OF THE WHOLE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmembers Dunbar, Hewitt and Quinney from this afternoon's proceedings

Motion Carried

ADJOURNED TIME 2:37 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JUNE 1, 2009**



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City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by Vice-President Robinson.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Councilmembers Dunbar (Arrived at 7:05 p.m.) and Quinney

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice-President Robinson

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of May 28, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; In Remembrance of Glenn Dean

Councilmember Dunbar arrived at the meeting.

Councilmember Hewitt thanked the family of former councilmember Glen Dean and posthumously thanked Mr. Dean for all the work he did as a 1st Ward Councilmember in the 1960s. He stated that Councilmember Dean was instrumental in the creation of the Boys and Girls Club. He gave thanks to all former Councilmembers who blazed the trails in city government.

Don Dean stated that his father owned a hardware store and laundry mat and held various jobs throughout the years. He stated that he lived through the Great Depression. He stated that his father was a great man and appreciated the fact that Councilmember Hewitt recognized him.

Councilmember Hewitt stated that Mr. Dean helped open the Gier Center and hopes to have the road leading to the center named after Mr. Dean.

Chief Deputy City Clerk Reeves read the following Resolution:

RESOLUTION #2009-166

BY COUNCILMEMBER ERIC HEWITT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Glen Edwin Dean was born to George Harold Dean and Minnie Hazel Stocking on August 13, 1918, and raised in Alma, Michigan;

and

WHEREAS, he served in the United States Air Force as a Corporal and flight instructor; and

WHEREAS, Glen and his first wife, Anna Puagas, had two children, Karen Ann and Debra Kay Dean; after Anna died on December 25, 1963, Glen was suddenly a single parent of two children; and

WHEREAS, Glen's second wife, A. Marie Dean, brought six children into the family; Patricia, George, Rita, Laraine, Steven, and Shirley and bore two children, Glen Edwin Dean II and Donald Hale Dean; and

WHEREAS, he worked for Motor Wheel Corporation for a number of years prior to opening Dean Hardware on Turner Street in Lansing. In 1964, he converted the hardware store into a Laundromat, Lux Laundry; and

WHEREAS, Glenn's favorite pastimes included golfing, bowling, deer hunting, and gardening, for which he received an award from the Garden Club of Greater Lansing for the biggest and most beautiful rose bush; and

WHEREAS, in 1966, Glen was a proud participant in the creation of the float for the Rose Bowl in Pasadena, California; and

WHEREAS, Glen served as First Ward Councilman from 1961 to 1967, during which time he helped start the Boys & Girls Club of Lansing and began what is now called the Glen Dean Scrabble Tournament held annually at the Gier Park Community Center; and

WHEREAS, he loved children and was recognized for his work with them by President Ronald Reagan;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to recognize Glen Edwin Dean for his contributions to the City of Lansing and to the community at-large. He will always be remembered for his kindness and generosity.

By Councilmember Hewitt

Motion Carried

Councilmember Hewitt thanked the Dean Family for their participation in the ceremony.

Don Dean stated that today is the 16th anniversary of Glen Dean's passing.

2. Mayoral Presentation; Recognition of the Lewton Elementary School Basketball Team

Mayor Bernero thanked the Lansing Parks & Recreation Department, as well as the Lansing School District for the basketball program. He spoke about the performance of the students and about the 5th grade basketball program. He also spoke about the excellent jobs the coaches do every year and stated that the team has won 7 of the last 9 championships.

Mayor Bernero read the following Proclamation:

WHEREAS: It is an honor to congratulate Lewton Elementary's Basketball team on their 2009 championship; and

WHEREAS: The team's victory against Atwood Elementary was truly one

for the books. With a final score of 29-27, the team's defensive and offensive players skillfully worked together during the nail-biter of a game to clinch the championship; and

WHEREAS: This is the team's seventh championship, and third under Coach Kenny James. For the first time the fourth grade athletes were included on the team. This season did not come without trials on the court. Once assembled, the 12 teammates took on the season with passion and determination; and

WHEREAS: Headed by the determined Coach James and Assistant Coach Ray Villarreal the Lobos became a resolute, talented force to be reckoned with. Their dedication to the Lobos both on and off the court contributed mightily to the team's success. Assistant Coach Ray Villarreal began coaching when his daughter Veronica was on the team; however he has continued his dedication to the Lobos basketball team. This family tradition continues as Veronica Villarreal is now a junior coach for her old team.

NOW, THEREFORE, I, VIRG BERNERO, Mayor of the City of Lansing, by the power vested in me do hereby offer congratulations on June 1, 2009, to

"Lewton Elementary 4th - 5th Grade Basketball Champions"

in Lansing. I encourage all residents and sports fans to join in recognizing their success and in wishing them the best in future seasons.

Vice President Robinson congratulated the team and stated that she was proud of the students and encouraged them to keep up the great work.

Coach Kenny James stated that he was honored to receive this recognition and introduced the team members present. He thanked the Mayor & City Councilmembers for this honor.

Coach Ray Villareal stated that it is nice to be able to do nice things in Lansing during these troubling times.

Brett Kaschinske of the Parks & Recreation Department spoke about the basketball program.

Mark Simon of the Parks and Recreation Department spoke about the coaches and thanked the parents. He encouraged students to participate.

Principal Virginia Bernero thanked the coaches and spoke about the work Kenny James does with the kids in the program.

Mayor Bernero encouraged students to participate in the future and spoke about scholarship opportunities.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Hewitt thanked the Tourist in Your Home Town participants and announced the Board of Water and Light's Annual Chili Cook-Off. He also announced the next Eastside Neighborhood Organization meeting and the last 1st Contact meeting of the summer for residents of the 1st Ward.

Councilmember Wood spoke about the ribbon cutting ceremony for the upcoming Ground Water Display at Impression 5 Museum. She announced the next Genesee Neighborhood meeting where they will be working on a new garden project. She also announced the Tri-County Regional Planning town hall meeting for a transportation plan.

Councilmember Allen asked the administration to do something about the weeds on Cedar St.

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that the Public Service Department is working hard to get all of the grass projects

in the city completed, and Cedar St. should be completed by the end of the week.

Councilmember Allen asked Jerry Ambrose to follow up on the situation with city resident Arlene Parrish who has a private contractor issue and he stated that Joe MacDonald from the Mayor's office would follow up with her later this week.

Councilmember Dunbar spoke about the 3rd Annual Hawk Island Triathlon and stated that she participated this year.

Councilmember Robinson congratulated councilmember Dunbar on her participation in the triathlon.

Councilmember Kaltenbach stated that he wished that he attended the triathlon.

Councilmember Allen asked about the events at the triathlon.

Councilmember Dunbar spoke about triathlon training courses.

Chief Deputy City Clerk Reeves recognized two Holt High School government class groups present tonight.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Chief Deputy City Clerk Reeves announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the General Motors bankruptcy and about a rally for U.S. workers at the state capitol that included the Rev. Jesse Jackson. He recognized employee of the month Angie Bennett of the Finance Department. He asked citizens to join him at this weekend's Mayor's Riverwalk event. He congratulated Councilmember Dunbar for completing the triathlon and for bringing the event to Lansing.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

John Pollard of 1718 Blair St. spoke in opposition to Z-10-2008 and the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

Don Dean of 1321 E. North St. spoke about the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

PUBLIC COMMENT**ON CITY GOVERNMENT RELATED MATTERS:**

Donna Hannalis of 3300 Dansbury Crossroad St. spoke about city sewer and drainage issues in her neighborhood.

Arlene Parrish of 3521 Wildwood Ave. spoke about the Administration's response to issues related to an independent contractor who worked on her house.

John Brady of 614 W. Northrup St. spoke about sewer issues on Northrup St.

Ted Boettcher of 320 W. Northrup St. spoke about sewer issues on Northrup St.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Samara Washington of 2312 Bernard St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

LEGISLATIVE MATTERS**RESOLUTIONS****RESOLUTION #2009-167**

BY THE COMMITTEE ON PERSONNEL
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on February 23, 2009, the City Council passed Resolution No. 2009-040 to bring compensation and fringe benefits for City Council staff in accord with the compensation and fringe benefits of other City employees, including Teamsters Local 214; and

WHEREAS, said resolution inadvertently failed to include the Teamsters Local 214 increase in retirement benefit multiplier factor from 1.6 to 1.8; and

WHEREAS, City Council staff since 2003 have, unlike other City employees, been eligible for partial retirement health care after 8 years and 12 years of fulltime service instead of eligibility solely with 15 years of fulltime service like other City employees; and

WHEREAS, the Committee on Personnel reviewed and considered these matters inadvertently not included in Resolution No. 2009-040 and the Committee recommends the Council include these changes to City Council staff fringe benefits, to be effective as of May 1, 2009; and

WHEREAS, the benefit package adjustments recommended are within the parameters of the costs and provisions in recently negotiated labor contracts and other personnel group rules;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the adjustments to the City Council staff fringe benefits

as follows:

1. RETIREMENT PENSION MULTIPLIER: Effective immediately for current Council staff who were hired after October 29, 1990 and who are members in the ERS defined benefit retirement system, increase 1.6% factor to 1.8%.
2. For City Council staff hired on or after May 1, 2009, eligibility for retirement healthcare shall require 15 years of fulltime service and there shall be no partial eligibility for said employees.

By Councilmember Dunbar

Motion Carried

RESOLUTION #2009-168

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLUTION TO AMEND
RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
CAPITAL IMPROVEMENT BONDS

A RESOLUTION TO PROVIDE FOR:

- Option to issue the Bonds as Build America Bonds;
- City to elect to receive credit payments from U.S. Treasury equal to 35% of interest paid on Build America Bonds;
- Option of negotiated Bond sale;
- Other matters relative to sale and delivery of bonds.

PREAMBLE

WHEREAS, on May 11, 2009, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "City") adopted a Resolution (the "Authorizing Resolution") authorizing issuance of the City's Limited Tax General Obligation Capital Improvement Bonds, Series 2009 (the "Bonds"); and

WHEREAS, as an alternative to issuing the Bonds on a tax exempt basis, the City may, pursuant to the American Recovery and Reinvestment Act of 2009 signed into law on February 17, 2009 (the "Recovery Act"), designate the Bonds as Build America Bonds for purposes of the Recovery Act ("Build America Bonds"), and receive credit payments from the United States Treasury equal to 35% of the interest payable on the Bonds, on or about each interest payment date; and

WHEREAS, the City Council wishes to authorize the Mayor, Finance Director and the Public Service Director (each an "Authorized Officer") to elect that the City issue the Bonds as Build America Bonds for purposes of the Recovery Act if he determines that it would be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Each Authorized Officer is hereby authorized, in consultation with the Stauder, Barch & Associates, Inc. (the "Financial Consultant") and Dykema Gossett PLLC ("Bond Counsel") to authorize revisions to the Official Notice of Sale for the Bonds to permit bidders to submit bids for purchase of all of the Bonds with tax-exempt interest and/or with taxable interest assuming that all of the Bonds will be issued as Build America Bonds.

2. The Authorized Officer is hereby authorized to determine, based upon the advice of the Financial Consultant, whether to sell the Bonds on a tax exempt basis or on a taxable basis as Build America Bonds.

3. If the Bonds are issued as Build America Bonds, then an Authorized Officer is hereby directed to elect, on behalf of the City, to qualify the Bonds as Build America Bonds as such term is described in Section 54AA of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"). Each Authorized Officer and other officers, administrators and agents of the City are authorized and directed to take all other actions necessary or advisable, and to make such filings with any parties, including the Internal Revenue Service, as may be necessary or advisable in order to request the payment of the appropriate credits from the United States Treasury. Any credit payments received from the United States Treasury shall be deposited into the Bond Payment Fund created for the Bonds in the Authorizing Resolution or into any escrow fund which may be established for defeasance of the Bonds.

4. If the Bonds are issued as Build America Bonds they shall be designated as the "City of Lansing Limited Tax General Obligation Capital Improvement Bonds, Series 2009" (Taxable). The Authorized Officer may determine whether to add phrases describing the Bonds as Build America Bonds.

5. The covenants made by the City in Section 17 of the Authorizing Resolution to take actions necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes shall not apply if the Bonds are issued as Build America Bonds; provided, however, the Authorized Officer is authorized and directed to make such representations and agreements in certificates delivered at the time of delivery of the Bonds as may be necessary to qualify the Bonds as Build America Bonds and receive the direct payment credit from the United States Treasury. The Bonds are not designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions.

6. The Authorizing Resolution is hereby amended to provide that the Bonds shall bear interest at a rate or rates not exceeding 8.00% per annum, with a net effective rate to the City, after application of credit payments received from the United States Treasury, of not exceeding 7.00% per annum and the purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be less than 98.50% or more than 101% of the principal amount thereof. The maximum amount of the Bonds that may be allocated to reimbursement of Project expenses remains unchanged at \$20,000,000.

7. The Authorized Officer is hereby authorized on behalf of the City to determine to conduct and pursue a negotiated sale of the Bonds if, in light of current market conditions and upon advice of the City's financial advisor, or if necessary to ensure compliance with provisions of the Internal Revenue Code relating to Build America Bonds, a negotiated sale would present advantages and opportunities to select and adjust terms for the Bonds, to allow more flexibility in accessing the municipal bond market, and to price and sell the Bonds at the time that is expected to best achieve the most advantageous interest rates and costs to the City. In the event that a negotiated sale is pursued, then the Authorized Officer is authorized to select an underwriter for the Bonds, negotiate and execute a bond purchase agreement with the underwriter, and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in the Authorizing Resolution and this Resolution.

8. In the event that an Authorized Officer is not available at the time that it becomes necessary to take actions directed or authorized under this resolution, then another City official designated by an Authorized Officer is authorized to take the actions delegated to the Authorized Officer by this Resolution.

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Lansing, Counties of Ingham and Eaton, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted at a meeting of the City Council of the City of Lansing, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City of Lansing. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and minutes were kept and will be or have been made available as required thereby.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-169

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves the acceptance of the Region 1 Homeland Security SHSP grant and LETPP grant for planning, training, and tactical programs to prevent and respond to terrorist attacks, major disasters, and other emergencies;

BE IT FURTHER RESOLVED, the Lansing City Council, hereby, authorizes the Administration to create the appropriate grant accounts and transfer funds for the expenditure and control of the grants in accordance with grant requirements;

BE IT FINALLY RESOLVED, the following FY 2009 transfers are approved:

State/Federal Programs
State Homeland Security Programs (2007 SHSP)

\$2,042,938.00 from Federal Revenue	273.0.528000.17070
\$36,050.00 to Salaries	273.343580.702000.17070
\$25,238.00 to Fringe Benefits	273.343580.715000.17070
\$107,505.00 to Miscellaneous Operating	273.343580.741000.17070
\$200,000.00 to Sub-Grant Salaries	273.343580.961702.17070
\$1,674,145.00 to Sub-Grant Misc Operating	273.343580.961741.17070

(To provide for a 2-year State Homeland Security Program in the nine-county Region 1 and City of Lansing, from April 1, 2008 to March 31, 2010. This grant emphasizes emergency response and rescue objectives in the region. The Lansing Fire Department is the fiduciary agent of the grant.)

State/Federal Programs
State Homeland Security Programs (2007 LETPP)

\$1,376,326.00 from Federal Revenue	273.0.528000.17071
\$24,288.00 to Salaries	273.343580.702000.17071
\$17,002.00 to Fringe Benefits	273.343580.715000.17071
\$72,246.00 to Miscellaneous Operating	273.343580.741000.17071
\$200,000.00 to Sub-Grant Salaries	273.343580.961702.17071
\$1,062,610.00 to Sub-Grant Misc Operating	273.343580.961741.17071

(To provide for a 2-year State Homeland Security Program in the nine-county Region 1 and City of Lansing, from April 1, 2008 to March 31, 2010. This grant emphasizes law enforcement objectives in the region. The Lansing Fire Department is the fiduciary agent of the grant.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-170

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Jerome Abood to Transfer Ownership of 2008 Class C Licensed business, located in escrow at 3552 Meridian Crossing, Okemos, MI 48864, Meridian Township, Ingham County, from Lite-R-Side, Inc. to API East of Eden, Inc.: Transfer Location (Governmental Unit) (MCL 436.1531 (1) to 205 S. Washington, Lansing, MI 48933, Ingham County; and requests a new Dance-Entertainment Permit and new Official Permit (Dance-Entertainment) for weekdays (2:30 a.m. to 3:00 a.m.) and Sundays (12:00 p.m. to 3:00 a.m.); and

WHEREAS, the Committee of the Whole met on Thursday, May 28, 2009, to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Jerome Abood to Transfer Ownership of 2008 Class C Licensed business, located in escrow at 3552 Meridian Crossing, Okemos, MI 48864, Meridian Township, Ingham County, from Lite-R-Side, Inc. to API East of Eden, Inc.: Transfer Location (Governmental Unit) (MCL 436.1531 (1) to 205 S. Washington, Lansing, MI 48933, Ingham County; and requests a new Dance-Entertainment Permit and new Official Permit (Dance-Entertainment) for weekdays (2:30 a.m. to 3:00 a.m.) and Sundays (12:00 p.m. to 3:00 a.m.);

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-171

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the application for a license to sell or offer to sell retail fireworks filed by American Promotional/TNT Fireworks of on behalf of:

Sam's Club #8137 located at 340 E. Edgewood Blvd.
Target #361 located at 500 E. Edgewood Blvd.
Aldi's #1519 located 6555 S. Pennsylvania Ave.
L & L Food Center #279 located at 1615 W. Mt Hope Ave.
L & L Food Center #275 located at 5016 S Martin Luther King Blvd.
Meijer #24 located at 6200 S. Pennsylvania Ave.
Kroger #884 located at 921 W. Holmes St.
Kroger #852 located at 443 Mall Court

was referred to the Committee on General Services; and

WHEREAS, the application has been previously approved by the appropriate departments within the City of Lansing; and

WHEREAS, American Promotional/TNT Fireworks agrees that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

NOW, THEREFORE, BE IT RESOLVED that the application for a license to sell or offer to sell retail fireworks filed by American Promotional/TNT Fireworks on behalf of:

Sam's Club #8137 located at 340 E. Edgewood Blvd
Target #361 located at 500 E. Edgewood Blvd
Aldi's #1519 located 6555 S. Pennsylvania Ave
L & L Food Center #279 located at 1615 W. Mt Hope Ave
L & L Food Center #275 located at 5016 S Martin Luther King Blvd

Meijer #24 located at 6200 S. Pennsylvania Ave.
Kroger #884 located at 921 W. Holmes St
Kroger #852 located at 443 Mall Court

is approved;

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2010, as set forth in the City of Lansing Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Councilmember Kaltenbach

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-172

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on May 21, 2009 and reviewed the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at 527 W. Hillsdale Street from "DM-4" Residential to "D-1" Professional Office District.

The Committee recommends approval of the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at 527 W. Hillsdale Street from "DM-4" Residential to "D-1" Professional Office District.

Signed: Brian Jeffries, Chairperson

Sandy Allen, Vice Chairperson

Derrick Quinney, Member

By Councilmember Jeffries

To receive this Committee Report

Motion Carried

RESOLUTION #2009-173

COMMITTEE REPORT

THE COMMITTEE OF THE WHOLE held a meeting on Thursday, May 28, 2009, in which to consider the ordinance amendment to Chapter 6, to add Section 6.24 to the Lansing Codified Ordinances, to ban miniature motorized cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

The Committee recommends adoption of the amendment to the City of Lansing Codified Ordinances to add Section 6.24 to the Lansing Codified Ordinances, to ban miniature motorized cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

By the Committee of the Whole

Signed: A'Lynne Robinson, Vice President

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMEND CHAPTER 292, SECTIONS 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B AND 292.37C

By Councilmember Wood, Chair of the Committee on Ways and Means

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Ways and Means

By Councilmember Wood

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care

was introduced by Councilmember Wood and read by its title Hearing

RESOLUTION #2009-174

RESOLUTION SETTING PUBLIC HEARING
By Councilmember Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, June 22, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care.

Interested Persons are invited to attend this Public

By Councilmember Wood

Motion Carried

INTRODUCTION OF ORDINANCE
AMEND CHAPTER 290, SECTION 4

By Councilmember Jeffries, Vice-President of the Committee of the Whole

That the Ordinance when read by its title be considered as read in its entirety

By the Committee of the Whole

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 290, Section 4, of the Lansing Codified Ordinances to provide that a City officer or employee who receives a gift for himself, herself, or on behalf

of the City, with a value over \$50.00 from someone not related to the donee by blood or marriage shall be required to submit a letter of disclosure to the City Clerk for transmission to the ethics board for appropriate action

was introduced by Councilmember Jeffries and read by its title

RESOLUTION #2009-175

RESOLUTION SETTING PUBLIC HEARING
By Councilmember Jeffries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, June 15, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to Amend Chapter 290, Section 4, of the Lansing Codified Ordinances to provide that a City officer or employee who receives a gift for himself, herself, or on behalf of the City, with a value over \$50.00 from someone not related to the donee by blood or marriage shall be required to submit a letter of disclosure to the City Clerk for transmission to the ethics board for appropriate action.

Interested Persons are invited to attend this Public Hearing

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER JEFFRIES

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-10-2008; 527 W. Hillsdale St. and the vacant property to its east, be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-10-2008; 527 W. Hillsdale St. and the vacant property to its east, be now passed.

YEAS: Councilmembers Allen, Hewitt, Jeffries, Robinson and Wood

NAYS: Councilmembers Dunbar and Kaltenbach

ABSENT: Councilmember Quinney

By Councilmember Jeffries

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #2547

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-10-2008
 Address: 527 W. Hillsdale Street
 Parcel Number: PPN: 33-01-01-16-361-001
 Legal Descriptions: The West 4 Rods of Lot 8, Block 162, Original Plat, City of Lansing, Ingham Co., MI, from "DM-4" Residential District to "D-1" Professional Office District, with the following conditions which shall run with the land and be binding upon the successor owners of the land:

1. A trade association or union office is prohibited;
2. A bank, credit union or saving and loan association is prohibited;
3. A funeral home is prohibited;
4. A clinic is prohibited;
5. A planned development is prohibited; and
6. A functional family which does not meet the conditions permitted in the D-1 Professional Office District is prohibited.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on June 1, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

By Councilmember Jeffries

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE OF THE WHOLE

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, to Add Section 6.24 to the Lansing Codified Ordinances, to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing be placed on order of immediate passage.

BY THE COMMITTEE OF THE WHOLE

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, to Add Section 6.24 to the Lansing Codified Ordinances, to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing

be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Robinson and Wood

NAYS: None

ABSENT: Councilmember Quinney

By Councilmember Jeffries

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1142

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 6, TO ADD SECTION 6.24 TO THE LANSING CODIFIED ORDINANCES, TO BAN MINIATURE MOTORIZED CYCLES FROM STREETS OR HIGHWAYS, SIDEWALKS, ALLEYS, PUBLIC PARKS, OR PUBLIC PARKING FACILITIES WITHIN THE CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 6 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to add section 6.24 as follows:

SEC. 6.24 MINIATURE MOTORIZED CYCLES

(a) MINIATURE MOTORIZED CYCLE DEFINED.

AS USED IN THIS SECTION, MINIATURE MOTORIZED CYCLE SHALL MEAN ANY TWO OR THREE WHEELED, SELF-PROPELLED, ELECTRIC, OR GAS-POWERED VEHICLE THAT IS CAPABLE OF SPEEDS GREATER THAN 15 MPH AND DOES NOT MEET THE MOTOR VEHICLE LICENSING AND REGISTRATION REQUIREMENTS OF THE MICHIGAN VEHICLE CODE. IT DOES NOT INCLUDE MOTORIZED WHEELCHAIRS OR OTHER AIDS DESIGNED FOR USE BY PERSONS WITH LIMITED OR IMPAIRED MOBILITY, OR SEGWAY SELF-BALANCING SCOOTERS AND OTHER DEVICES THAT FALL UNDER THE MICHIGAN VEHICLE CODE'S DEFINITION OF "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES."

(b) PROHIBITIONS.

NO PERSON SHALL OPERATE A MINIATURE MOTORIZED CYCLE ON ANY STREET OR HIGHWAY, OR SIDEWALK, OR IN ANY ALLEY, PUBLIC PARK, OR PUBLIC PARKING FACILITY.

(c) PENALTIES.

ANY PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AND SHALL BE SUBJECT TO A FINE OF UP TO \$100.00.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that Vice-President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk:

- i. Providing notice of the placement on file of the Lansing Board of Water and Light's Fiscal Year 2010 Budget

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Submitting a request from Progressive Restaurant Services LLC for a New Class C License issued under MCL 436.1521(a)(1)(b) with Dance-Entertainment Permit to be located at 107 E. Allegan St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

b. Letters from the Mayor re:

- i. Transfer of Funds; General Fund, State/Federal Programs Fund and State/Federal Programs, Gang Resistance (GREAT) Subgrant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the United States Department of Energy requesting contact information for the person serving as the main point of Contact (POC) for the City of Lansing's participation in the Energy Efficiency and Conservation Block Grant (EECBG) Program

RECEIVED AND PLACED ON FILE

- b. Letter from the State of Michigan Department of Treasury providing notice to Cool City Developers, LLC of the issuance of an Obsolete Property Rehabilitation Exemption Certificate for property located at 310 E. North St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Notice from the State of Michigan Public Service Commission providing notice of a Public Hearing to the Gas Customers of Consumers Energy Company Case No. U-15929 to be held June 9, 2009

RECEIVED AND PLACED ON FILE

d. Michigan Tax Tribunal appeals filed on behalf of:

- i. ShoreBank for property located at 3501 and 3615 Bayview Dr. and sub-addresses

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- ii. Jai Ambe Corp. for property located at 1100 Ramada Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- iii. TMT Lansing LLC for property located at 1200 Keystone Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- iv. Walter Neller Enterprises, Inc. for property located at 111 W. Edgewood Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- v. GTB Properties for property located at:

1. 5601 Enterprise Dr.
2. 5511 Enterprise Dr.
3. 5615 Enterprise Dr.
4. 5643 Enterprise Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- vi. Bowden, James III and Martha L. for property located at 6900 S. Cedar St. and sub-addresses

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- vii. DJF Landholding LLC for property located at 134 E. Edgewood Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- viii. AJZ-Cedar LLC for property located at 4811 S. Cedar St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

e. Applications for Community Funding submitted by:

- i. Gier Area Neighborhood Watch #158 for its 2nd Annual National Night Out & Lansing 150 Years Family Event to be held August 4, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Faith Fellowship Baptist Church for its Annual Children's/Neighborhood Block Party to be held July 11, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Letter from John Pollard of 1718 Blair St. submitting copies of Freedom of Information Act (FOIA) request responses regarding Mayor Bernero's City-Owned Cadillac and Washington, DC trip expenses

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Hewitt

To excuse President Quinney from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Jeffries asked if there was a substitute resolution for the liquor license transfer for Jerome Abood and he was informed that there was not a substitute.

Councilmember Wood asked about a pick-up of large items due to the recent floods and about grass cutting on Martin Luther King, Jr. Blvd. Jerry Ambrose stated that he would address both issues during his remarks.

Vice President Robinson announced that the next 2nd Saturdays meeting would be held at Harry Hill Center and invited citizens to attend.

Councilmember Dunbar announced the opening of the South Lansing Farmer's Market.

Vice President Robinson thanked Parks Director Murdoch Jemerson for the use of Harry Hill Center.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about mowing the state trunk lines on Cedar St. and Martin Luther King, Jr. Blvd. He stated that the state has only authorized four mowings of the medians this year on those streets but the Public Service Department will do what it can to pay for the mowings.

Councilmember asked for clarification on mowing the medians and asked that funds be found to mow them more often.

Jerry Ambrose reiterated his point that state revenues are down and that the city is going to do all it can to keep the medians mowed.

Councilmember Allen asked to cut programs in order to pay for mowing.

Councilmember Wood stated that if the residents are required to mow their lawns then the city should be held to the same set of standards.

Councilmember Kaltenbach spoke about the Principal Shopping District's special assessment to keep downtown beautiful.

Councilmember Allen compared city neighborhoods to downtown and stated that the neighborhoods look terrible in comparison.

ADJOURNED TIME 9:33 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JUNE 8, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by Vice-President Robinson.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Councilmember Quinney

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice-President Robinson

CONSIDERATION OF LATE ITEMS

By Councilmember Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From councilmember Allen; Urging the Administration to implement between one and four speed humps on Alpha Street between Kendon Street and E. Jolly Rd. during this construction season
2. From Vice-President Robinson; Protesting a request to Transfer Ownership of Escrowed 2008 SDD License only from Rite Aid of Michigan, Inc.; Transfer Location from 3825 W. Jolly Rd. to 3333 Martin Luther King, Jr. Blvd, to be held in conjunction with proposed new SDM License

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Allen announced the 2009 Concert in the Park series.

She read the following letter from a constituent:

Monica Crowley D-Day Speech June 6, 1944

To all that served in Operation Overlord.

The boys of Pointe Du Hoc of Omaha, and Utah who drifted into Canadian and British Sectors of Gold, Juno and Sword:

The Airman of the 82nd and 101st,

Your bravery, selflessness, patriotism, love of country, humility are unparalleled.

You are the reason Europe was liberated from the jackboot of unspeakable tyranny.

You are the reason that freedom exists.

For what you did on June 6, 1944... Thank you:

For what you did during the rest of the war ... Thank-you.

For serving your country when it needed you most.... Thank-you. For what you did for your country after the war... Thank-you.

We are free today because of what you did 65 years ago .. Thank you.

We treasure you.

We honor you

You are the reason America is not just a great nation, but a good one.

God bless you and the nation that gave birth to such an extraordinary generation.

Councilmember Hewitt thanked those who attended the recent 1st Contact meeting for residents of the 1st Ward. He announced the next Holmes St. School neighborhood meeting.

Councilmember Wood announced the Women's Historic Center and Hall of Fame's 25th Annual Picnic on the Lawn event and the Friends of Historic Cemeteries Garden Party. She spoke about the Bread House church's clothing needs and food pantry event, the Black Lawyers annual dinner and her visit to the South Side City Market.

Councilmember Dunbar spoke about the new South Side City Market.

Vice-President Robinson spoke about the new South Side City Market and how there were walkers and bikers on the bike trail. She announced that the next 2nd Saturdays meeting for residents of the 3rd Ward would take place at the Harry Hill Center.

City Clerk Swope stated that there are eight weeks until the August primary election and that there is plenty of time to apply for absentee ballots.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about this past weekend's Chili Cook-Off and the 8th Annual Mayor's Riverwalk events. He spoke about several items on tonight's agenda including the snow removal ordinance and tax tribunal referrals. He announced the upcoming Concert in the Park series, Blues on the Square and Common Ground concert series.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of An Ordinance of the City of Lansing to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act

Councilmember Allen gave a brief overview of the Public Hearing.

William Hubbell of 3916 Wedgewood Dr. stated concerns with the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Charles Friese of 516 Parkers Dr., Portland, spoke in support of an Application for a license to Sell or Offer to Sell Retail Fireworks filed by TNT/American Promotional Events fireworks for property located at 6200 S. Pennsylvania Ave.

Ronald Kruger of 3333 Moores River Dr. stated concerns with the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Catherine Mercer of 4530 Sycamore St., Holt, stated concerns with the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Michael Mercer of 4530 Sycamore St., Holt, stated concerns with the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Kathi Raffone of 1221 Muskegon Ave. stated concerns with applications for licenses to Sell or Offer to Sell Retail Fireworks.

Stan Shuck of 818 Cooper Ave. spoke in opposition to the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

John Pollard of 1718 Blair St. spoke in opposition to the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner and in opposition to the Motor Carrier Ordinance.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to a request to transfer a liquor license from 3825 W. Jolly Rd. to 3333 Martin Luther King Jr. Blvd. and in opposition to the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Willy Williams of P.O. Box 11042 spoke in support of the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

Bryan Decker of 543 E. Edgewood Blvd. spoke in opposition to the Ordinance Amendment providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of An Ordinance of the City of Lansing to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

William Hubbell of 3916 Wedgewood Dr. spoke about a request to transfer a liquor license from 3825 W. Jolly Rd. to 3333 Martin Luther King Jr. Blvd.

Arlene Parrish of 3521 Wildwood Ave. spoke about the Administration's response to issues related to an independent contractor who worked on her house.

Bill Stewart of P.O. Box 310, Haslett, spoke about various city matters.

Ronald Kruger of 3333 Moores River Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Bob Gray 422 Dadson Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

John Brady of 614 W. Northrup St. spoke about sewer issues on Northrup St.

Ted Boettcher of 320 W. Northrup St. spoke about sewer issues on Northrup St.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Norris Gibson of 110 W. Willow St. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Bryan Decker of 543 E. Edgewood Blvd. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

By Councilmember Dunbar

To postpone consideration of agenda items XIII C 1 a & XIII E 1 a

Motion Carried

RESOLUTION #2009-176

BY COUNCILMEMBER ERIC HEWITT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Larry Mitchell Trice, Sr. was born on June 7, 1942, to William and Irma (Barham) Trice in Henderson, Tennessee. His family moved to Jackson, Michigan, where he attended Jackson Public Schools; and

WHEREAS, having a "desperate" heart for God, he received Christ at nineteen years old at Faith Temple Church of God in Christ (COGIC), under the Pastorship of Elder Non Walker; and

WHEREAS, in 1963, while living in Jackson, Larry married Angelene Lois Walker, who blessed him with four children, and together they faithfully served God; and

WHEREAS, Minister Trice was called to serve as assistant to Elder Dexter and Wilma DeMeyers at Pentecostal COGIC in Lansing, and he and his family loyally traveled from Jackson to Lansing; and

WHEREAS, when Pastor DeMeyers retired in 1976, Elder Larry M. Trice, Sr. began serving as Pastor of the church at 1219 Case Street, with only five members. AS they outgrew that building, the church relocated in 1980 to 1901 N. Massachusetts; and

WHEREAS, Larry Mitchell Trice, Sr., building upon the framework of Pastor DeMeyers, began a door-to-door ministry and held evangelistic meetings, and after many years of progressive growth and steady direction, Pastor Trice and the Pentecostal family built a new edifice in 1991, located at 2645 W. Holmes Road; and

WHEREAS, the name of the church was changed to Pentecostal Outreach Church of God in Christ, encompassing the heart he had for people and the Lansing community; and

WHEREAS, Elder Trice dedicated 22 years of service and pastoral guidance to his congregation and was a well known speaker and preacher throughout Michigan, across the country, and in other nations; and

WHEREAS, under his leadership, Pentecostal Outreach helped build a church in Mexico and established relationships with and financially assisted in constructing a church in Haiti as well as fostering an ongoing relationship with Teen Challenge Ministries in Lansing; and

WHEREAS, Pastor Trice believed that there should be no walls, cultural, ethnic, race, age, gender, or color when it came to worshiping God and tirelessly worked to help people overcome religious and social barriers preventing them from worshiping freely and in unity; and

WHEREAS, Larry Sr. was a devout family man, the faithful husband of Pastor Emeritus Angelene L. Trice for 37 years, and father to his children Evangelist Cindy Humes, Pastor Larry Trice, Jr., and Kimberly Trice-Sharpe; and

WHEREAS, on June 7, 2009, the Tabernacle of David will host "Celebrating the Legacy – A Dream Unfolded" honoring the late Pastor Larry Mitchell Trice, Sr.;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council,

hereby, wishes to honor and recognize Pastor Larry Mitchell Trice, Sr.'s life of achievements. His devotion to church and to the Lansing community was an inspiration to those who knew him.

By Councilmember Hewitt

Motion Carried

RESOLUTION #2009-177

BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Progressive Restaurant Services LLC for a New Class C License issued under MCL 436.1521(a)(1)(b) with Dance-Entertainment Permit to be located at 107 E. Allegan Street; and

WHEREAS, the Committee on General Services met on June 8, 2009, to review the request, with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Progressive Restaurant Services LLC for a New Class C License issued under MCL 436.1521(a)(1)(b) with Dance-Entertainment Permit to be located at 107 E. Allegan Street;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-178

BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the application for a license to sell or offer to sell retail fireworks filed by TNT/American Promotional Events on behalf of Meijer of 6200 S. Pennsylvania Ave. was referred to the Committee on General Services; and

WHEREAS, the application has been previously approved by the appropriate departments within the City of Lansing; and

WHEREAS, TNT/American Promotional Events and Meijer of 6200 S. Pennsylvania Ave. agree that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

NOW, THEREFORE, BE IT RESOLVED that the application for a license to sell or offer to sell retail fireworks filed by TNT/American Promotional Events on behalf of Meijer of 6200 S. Pennsylvania Ave is approved;

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2010, as set forth in the City of Lansing Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-179

BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the application for a license to sell or offer to sell retail fireworks filed by Pinnacle Distributing, Inc. on behalf Menard's, Inc. of 725 American Road was referred to the Committee on General Services; and

WHEREAS, the application has been previously approved by the appropriate departments within the City of Lansing; and

WHEREAS, Pinnacle Distributing, Inc. and Menard's agree that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

NOW, THEREFORE, BE IT RESOLVED that the application for a license to sell or offer to sell retail fireworks filed by Pinnacle Distributing, Inc. on behalf of Menard's, Inc. of 725 American Road is approved;

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2010, as set forth in the City of Lansing Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-180

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Liquor Control Commission notified the City Council that AHR Ventures, Inc. has submitted a request to transfer ownership of escrowed 2008 SDD License only from Rite Aid of Michigan, Inc.; transfer location from 3825 W. Jolly to 3333 Martin Luther King, Jr. Lansing, Michigan, Ingham County, to be held in conjunction with proposed new SDM License; and

WHEREAS, the Colonial Village, Churchill Downs, and Lewton-Rich Neighborhood Associations and On the Boulevard Business Association have raised substantial concerns regarding the proposed transfer's impact on community safety, health, and welfare; and

WHEREAS, the Lansing City Council and the City's Administration are also concerned that the proposed transfer would be in proximity to a new school for choice, to neighborhood houses of worship, and an Ingham County Juvenile Justice facility;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, objects to the register protest over the transfer of ownership and location proposed in Application Request ID: 154114 and 154115;

BE IT FURTHER RESOLVED that the Liquor Control Commission is encouraged to inquire of the City of Lansing, through its Administration, of any additional details regarding the City's objection and protest;

BE IT FINALLY RESOLVED that the Lansing City Clerk is requested to send a copy of this resolution to the Michigan Liquor Control Commission.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-181

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on Public Safety met on June 3, 2009, and reviewed the safety concerns expressed by residents on Alpha Street and their continued attempt to get traffic calming measures implemented; and

WHEREAS, the Committee determined that for the health, safety, and welfare of citizens, temporary speed humps should be installed on Alpha Street this construction season with increased monitoring in this area by the Lansing Police Traffic Officers; and

WHEREAS, the maximum cost is estimated at \$6,000 for four speed humps. The Transportation Engineer is requested to implement between one and four speed humps on Alpha Street between Kendon Street and

E. Jolly Road and allocate the necessary funds, at a maximum of \$6,000, from the following accounts as indicated:

101-112101-741200-0 City Council Promotion Account \$5,000

101-112101-741289-0 City Council Community Promotion Account \$1,000

;and

WHEREAS, funding for this traffic calming measure should first come from the City Council Promotion Account and then from the Community Promotion Account, if necessary;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, urges the Administration to implement between one and four speed humps on Alpha Street between Kendon Street and E. Jolly Rd. during this construction season.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-182

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Howard Lutz as the Citizen Representative on the Electrical Board for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Howard Lutz as the Citizen Representative on the Electrical Board for a term to expire June 30, 2012.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-183

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Joseph Peters as the Electrical Utility Representative on the Electrical Board for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Joseph Peters as the Electrical Utility Representative on the Electrical Board for a term to expire June 30, 2012.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-184

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Rowland Cornish as the Electrical Contractor Representative on the Electrical Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Rowland Cornish as the Electrical Contractor Representative on the Electrical Board for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-185

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Patrick Ryan as the Contractor Representative on the Mechanical Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms reappointment of Patrick Ryan as the Contractor Representative on the Mechanical Board for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-186

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Richard Cortright as the Residential Contractor Representative on the Mechanical Board for a term to expire June 30, 2010.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Richard Cortright as the Residential Contractor Representative on the Mechanical Board for a term to expire June 30, 2010.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-187

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Paul Gilmore as the Commercial Heat & AC Contractor Representative on the Mechanical Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the Paul Gilmore as the Commercial Heat & AC Contractor Representative on the Mechanical Board for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-188

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Marcus Metoyer as the Residential Heat & AC Contractor Representative on the Mechanical Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Marcus Metoyer as the Residential Heat & AC Contractor Representative on the Mechanical Board for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-189

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Martha Dee to the First Ward position on the Traffic Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Martha Dee to the First Ward position on the Traffic Board for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-190

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Steve Reck as the Citizen Representative on the Board of Plumbing for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Steve Reck as the Citizen Representative on the Board of Plumbing for a term to expire June 30, 2012.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-191

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Maria Mejorado to the Board of Police Commissioners for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Maria Mejorado to the First Ward

position on the Board of Police Commissioners for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-192

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Bill Renfrew to the At Large position on the Board of Police Commissioners for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Bill Renfrew to the At Large position on the Board of Police Commissioners for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-193

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Robert Hudson to the First Ward position on the Board of Fire Commissioners for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on June 3, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Robert Hudson to the First Ward position on the Board of Fire Commissioners for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-194

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolution to Set Public Hearing for PSD Assessment for FY 2010

WHEREAS, the City of Lansing desires to encourage and support shopping and commercial activity in the Principal Shopping District area by public improvement to develop, redevelop, promote economic activity, and provide for the maintenance, security, and operation of the Principal Shopping District by such public improvement which especially benefits any property within a district; and

WHEREAS, the City of Lansing desires to encourage promotional efforts, business recruitment in all zones and physical improvements and maintenance services (in zone "A") of the Principal Shopping District; and

WHEREAS, the City of Lansing has determined that this should be provided through special assessment zones established for the purpose of financing Principal Shopping District activities; and

WHEREAS, the City of Lansing has determined that the cost of providing such services should be recovered by a special assessment against properties especially benefited as authorized by Act No. 120 of the Public

Acts of 1961, as amended, and Chapters 812 and 1026 of the Lansing Code of Ordinances; and

WHEREAS, the City of Lansing has reviewed the proposed special assessment boundaries; and

WHEREAS, the City of Lansing has also reviewed the proposed services within the boundaries with an estimated cost of these services;

NOW, THEREFORE, BE IT RESOLVED that the special assessment zones for the Principal Shopping District are established by City Council as follows:

Principal Shopping District: Beginning at the intersection of West right-of-way line of S. Capitol Avenue and the north right-of-way line of W. St. Joseph Street, "Point of Beginning," North along S. Capitol Avenue right-of-way line to the center-line of W. Washtenaw Street, west along the centerline of W. Washtenaw Street to the center-line of Townsend Street, north along the center-line of Townsend Street to the center-line of W. Allegan Street, then east along the W. Allegan Street center-line to the center-line of S. Capitol Avenue, north along the S. Capitol Avenue center-line to the center-line of W. Saginaw Street, east along the W. Saginaw Street center-line to the west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the north right-of-way line of W. Grand River Avenue, east along the W. Grand River Avenue right-of-way line to the west right-of-way line of Turner Street, north along the Turner Street right-of-way line to the north right-of-way line of Clinton Street, east along Clinton Street right-of-way to the east right-of-way line of Center Street, south along the Center Street right-of-way line to the north right-of-way line of Liberty Street, east along the Liberty Street right-of-way line to the centerline of N. Cedar Street, south along the N. Cedar Street center-line to the south right-of-way line of East Grand River Avenue, east along the E. Grand River Avenue right-of-way line to the west right-of-way line of N. Larch Street, south along the N. Larch Street right-of-way line to the center-line of E. Shiawassee Street, east along the E. Shiawassee Street center-line to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the south right-of-way line of E. Michigan Avenue, west along the E. Michigan Avenue right-of-way to the east right-of-way line of S. Larch Street, south along the S. Larch Street right-of-way line to the center-line of E. Kalamazoo Street, then west along E. Kalamazoo Street center-line to the center-line of S. Larch Street, then south along the S. Larch Street center-line to the north right-of-way line of St. Joseph Street (extended), west along the St. Joseph Street right-of-way line (extended) to the Point of Beginning.

The Principal Shopping District, as described herein, shall contain zones as described below:

Zone A: Beginning at the intersection of the center-line of W. Shiawassee Street and the centerline of N. Capitol Avenue, the "Point of Beginning - A", east along the center-line of Shiawassee Street to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the center-line of E. Michigan Avenue, west along the center-line of E. Michigan Avenue to the center-line of S. Cedar Street, south along the S. Cedar Street center-line to the center-line of E. Kalamazoo Street, west along the E. Kalamazoo Street center-line to the center-line of Museum Drive, northwesterly along the center-line of Museum Drive to the north line of Impression Five Condominium (extended), west along the said north line of Impression Five Condominium (extended) to the center-line of the Grand River, southeasterly along the center of the Grand River to the center-line of E. Kalamazoo Street, continuing along the center-line of E. Kalamazoo Street to the center-line of Grand Avenue, south along the Grand Avenue center-line to the center-line of W. Lenawee Street, west along the W. Lenawee Street center-line to the west right-of-way line of S. Capitol Avenue, north along the west right-of-way line of S. Capitol Avenue to W. Washtenaw street, west along the centerline of W. Washtenaw Street to the centerline of Townsend Street, north along the centerline of Townsend Street to the centerline of W. Allegan Street, then east along the W. Allegan Street center-line of W. Allegan Street to the center-line of S. Capitol Avenue, north along the S.

Capitol Avenue center-line to the Point of Beginning –A.

Zone B: Beginning at the intersection of west right-of-way line of N. Washington Avenue and the north right-of-way line of W. Grand River Avenue, the "Point of Beginning -B," east along the W. Grand River right-of-way line to the west right-of-way line of Turner Street, north along the Turner Street right-of-way line to the north right-of-way line of Clinton Street, east along the Clinton Street right-of-way line to the east right-of-way line of Center Street, south along the Center Street right-of-way line to the north right-of-way line of Liberty Street, east along the Liberty Street right-of-way line to the center, line of N. Cedar Street, south along the N. Cedar Street center-line to the centerline of E. Maple Street, west along E. Maple Street center-line (as aligned) to the west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the Point of Beginning –B.

Zone C -North: Beginning at the intersection of the center-line of N. Capitol Avenue and the center-line of W. Shiawassee Street, the "Point of Beginning -C (North)," north along the N. Capitol Avenue center-line to the center-line of W. Saginaw Street, east along the W. Saginaw Street center-line to west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the center-line of E. Maple Street, east along E. Maple Street (as aligned) center-line to the center-line of N. Cedar Street, north along the N. Cedar Street center-line to the south right-of-way line of E. Grand River Avenue, east along the E. Grand River Avenue right-of-way line to the west right-of-way line of N. Larch Street, south along the N. Larch Street right-of-way line to the center-line of E. Shiawassee Street, west along the E. Shiawassee Street Center-line to the Point of Beginning - C (North).

Zone C -South: Beginning at the intersection of the west right-of-way line of S. Capitol Avenue and the center-line of W. Lenawee Street, the "Point of Beginning -C (South)," east along the W. Lenawee Street center-line to the center-line of Grand Avenue, north along Grand Avenue centerline to the center-line of E. Kalamazoo Street, east along the Kalamazoo Street center-line to the center of the Grand River, northwesterly along the center-line of the Grand River to the north line of Impression Five Condominium (extended), east along the north line of Impression Five Condominium (extended) to the center-line of Museum Drive, southeasterly along the center-line of Museum Drive to the center-line of E. Kalamazoo Street, east along the Kalamazoo Street centerline to the center-line of S. Cedar Street, north along the Cedar Street center-line to the center-line of E. Michigan Avenue, east along the E. Michigan Avenue center-line to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the south right-of-way line of E. Michigan Avenue, then west along the E. Michigan Avenue right-of-way line to the east right-of-way line of S. Larch Street, south along the S. Larch Street right-of-way line to the center-line of E. Kalamazoo Street, west along the E. Kalamazoo Street center-line to the center-line of S. Larch Street, south along the S. Larch Street center-line to the north right-of-way line of St. Joseph Street (extended), west along the St. Joseph Street right-of-way line (extended) to the west right-of-way line of S. Capitol Avenue, then north along the S. Capitol Avenue right-of-way to the Point of Beginning -C (South).

BE IT FURTHER RESOLVED that the Principal Shopping District public improvements and services be supported by a special assessment of these costs against the properties especially benefited as follows:

ZONE A -13.2 cents per square foot for first floor and 6 cents per square foot for second floors and above, parking structures at the rate of 4.8 cents per square foot for the main floors and 2.4 cents per square foot for second floors and above, parking lots at 4.8 cents per square foot, vacant land at 1.2 cents per square foot, and industrial & manufacturing properties at 2.4 cents per square foot for the first floor and 1.2 cents per square foot for second floors and above; for a total of \$381,513.38.

ZONE B -9.2 cents per square foot for first floor and 3.45 cents per square foot for second floors and above, parking structures at the rate of 4.6 cents per square foot for the main floors and 2.3 cents per square foot

for second floors and above, parking lots at 4.6 cents per square foot, vacant land at 1.15 cents per square foot, and industrial & manufacturing properties at 2.3 cents per square foot for the first floor and 1.15 cents per square foot for second floors and above; for a total of \$22,533.03.

ZONE C (North & South) -2 cents per square foot for first floor and 1 cent per square foot for second floors and above, parking structures at the rate of 2 cents per square foot for the main floors and 1 cent per square foot for second floors and above, parking lots at 2 cents per square foot, vacant land at 1 cent per square foot, and industrial & manufacturing properties at 2 cents per square foot for the first floor and 1 cent per square foot for second floors and above; for a total of \$28,408.26.

BE IT FURTHER RESOLVED that the cost and expense of making estimates, plans and assessments incidental to the preparation of the assessment and the role, and providing notices shall be included in the expense of the assessment.

BE IT FURTHER RESOLVED that the Principal Shopping District public improvement and services be financed by a special assessment of these costs against the properties especially benefited as contained in the assessment Roll No. PSD09-A/PSD09-B/PSD09-C, compiled by the City Assessor and presented to Council with this resolution.

BE IT FURTHER RESOLVED that in zones "A," "B," and "C" (North & South), all property owners whose assessment would otherwise exceed \$10,000.00 per one parcel, shall be capped at no more than \$10,000.00 per one parcel on an annual basis.

BE IT FURTHER RESOLVED that in zones "A," "B," and "C" (North & South), any property owned by a non-profit entity which as received a Federal IRS Section 501(c)(3) non-profit designation shall have their property assessment capped at 40% of the proposed assessment rate; provided that said entity shall file with the City Assessor, not later than August 10, 2009 a written application for non-profit Principal Shopping District designation, together with a copy of said determination of IRS Section 501 (c)(3) status.

BE IT FURTHER RESOLVED that a public hearing be held June 22, 2009, at 7:00 pm in the City Council Chamber, 10th Floor City Hall, Lansing, Michigan to consider the establishment of the Principal Shopping District special assessment roll.

BE IT FURTHER RESOLVED that the City Clerk publish notice of the hearing to confirm the special assessment roll in a newspaper of general circulation at least 10 (ten) days prior to the date of the hearing.

BE IT FINALLY RESOLVED that the notice to the affected owners of the properties in said district be given in accordance with Chapter 1026 of the Lansing Code of Ordinances.

By Councilmember Wood

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

THIS ITEM WAS MOVED TO A LATER MEETING

Recommending Adoption of an Ordinance of the City of Lansing to Amend Chapter 1020, Section 6 of the Lansing Codified Ordinances, providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner

ORDINANCES FOR PASSAGE

THIS ITEM WAS MOVED TO A LATER MEETING

Adoption of an Ordinance of the City of Lansing to Amend Chapter 1020, Section 6 of the Lansing Codified Ordinances, providing for removal of snow and ice by the City if the property owner fails to do so, and for assessment of costs against the property owner

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that Vice-President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk:

- i. Submitting an Application for a license to Sell or Offer to Sell Retail Fireworks filed by Pinnacle Distributing Inc. fireworks at Menards Inc., 725 American Rd.

RECEIVED AND PLACED ON FILE

- ii. Submitting an Application for a license to Sell or Offer to Sell Retail Fireworks filed by TNT/American Promotional Events fireworks at Meijer parking lot, 6200 S. Pennsylvania Ave.

RECEIVED AND PLACED ON FILE

- iii. Providing notice of the Denial of an Application for a Peddler's License in the City filed by Gabriel Gallegos of Energy Marketing Service (EMS) of East Lansing, located at 808 W. Lake Lansing Rd. based upon the recommendation of the Lansing Police Department

RECEIVED AND PLACED ON FILE

- iv. Providing notice of the Denial of an Application for a Peddler's License in the City filed by William McGruder of Energy Marketing Service (EMS) of East Lansing, located at 808 W. Lake Lansing Rd. based upon the recommendation of the Lansing Police Department

RECEIVED AND PLACED ON FILE

- v. Providing notice of the Denial of an Application for a Cabaret License in the City filed by Jake Johns of Capitol Area Spectacle, LLC d/b/a Basement 414 E. Michigan Ave. based upon the recommendation of the Lansing City Treasurer

RECEIVED AND PLACED ON FILE

- vi. Proving notice of Satisfaction of Treasury Department Compliance regarding the Recommendation of Denial of a request by Fuentes, LLC to Transfer Ownership of a 2005 Class C Licensed Business with Dance Entertainment, Located in Escrow at 1138-40-42-1146 S. Washington Ave., Lansing, MI 489110, Ingham County, From Cooper Corporation to Fuentes, LLC; with license to remain in Escrow

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- vii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. Protesting a request to Transfer Ownership of Escrowed 2008 SDD License only from Rite Aid of Michigan, Inc.; Transfer Location from 3825 W. Jolly Rd. to 3333 Martin Luther King, Jr. Blvd, to be held in conjunction with proposed new SDM License

RECEIVED AND PLACED ON FILE

- ii. Transfer of Funds; 911 Communication Center Operating, CAD Upgrade

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Supportive Housing Program Renewal Grant Agreement; 12 HUD Super Notice of Funding Availability (NOFA) Grants for 2008

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Request for Public Hearing, Blue Coyote Brewing Company, LLC for property located at 113 Pere Marquette Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Encroachment Permits for Christman Capital Development, 408 Kalamazoo Plaza

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Appointment of Marilyn Plummer to the Board of Water and Light Board of Trustees for an At-Large Term to Expire June 30, 2013

REFERRED TO THE COMMITTEE OF THE WHOLE

vii. Appointments to the Board of Ethics:

- Margaret Gardner for an At-Large Term to Expire June 30, 2011
- Edwar Zeineh for an At-Large Term to Expire June 30, 2010
- Connie Doyle for an At-Large Term to Expire June 30, 2013

RECEIVED AND PLACED ON FILE

• Communications and Petitions, and Other City Related Matters:

a. Letters from Comcast Cable re:

- i. Providing notice of upcoming digital enhancements

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- ii. Providing notice of offers related to the Federal Digital Broadcast Transition effective June 12, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- b. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Manuela Kress, Co-Director of the Women's Center of Greater Lansing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

c. Michigan Tax Tribunal Appeals filed on behalf of:

- i. TMG Arbor Pointe, LLC for property located at
 - 1. 4590 Seaway Dr. and sub-addresses
 - 2. 4032 Woodbridge Dr. and sub-addresses
 - 3. 4000 Burneway Dr. and sub-addresses
 - 4. 3901 Burneway Dr. and sub-addresses
 - 5. 4411 Seaway Dr. and sub-addresses
 - 6. 4490 Seaway Dr. – personal property

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- ii. Country Club of Lansing for property located at 2200 Moores River Dr. and sub-address

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- iii. Mark S. Kerrins for property located at 706 E. Mt. Hope Ave. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- iv. Capital Tower, LLC for property located at 110 W. Michigan Ave. and sub-address

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- v. DTN University Court, LLC for property located at 4915 Belle Chasse Blvd. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- vi. Jones Property Development, L.C.C. for property located on Hagadorn Rd. (College Fields Golf Course)

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- vii. Jones Property Development, L.C.C. for property located at 3800 Hagadorn Rd.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- viii. Business and Trade Center, LTD for property located at 200 N. Washington Sq.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

ix. General Motors Corporation for property located at:

- 1. 920 Townsend St., Olds Ave., W. Main St., William St., 1014 Townsend St. and sub-addresses
- 2. 8175 Millett Hwy., 8400 Millett Hwy., 8100 Davis Hwy., 8001 Davis Hwy. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- x. Rite Aid #4572 for property located at 5032 S. Cedar St.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xi. Rite Aid #1613 for property located at 3825 W. Jolly Rd. and sub-address

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xii. Lambency Group, LLC for property located at 5141 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xiii. R&A Development Company for property located at 222 N. Washington Sq. and sub-address

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xiv. Windson, Inc. for property located at 3121 E. Grand River Ave.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xv. Stadium District Partners LLC for property located at 500 E. Michigan Ave. (multiple parcels)

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xvi. Ferris Park Towers for property located at 323 N. Walnut St. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xvii. CBL Real Estate Holdings LLC for property located at 1456 E. Michigan Ave. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xviii. PT Partners Two LLC for property located at 7009 W. Mt. Hope Ave.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xix. Brosis LLC for property located at 5858 Enterprise Dr. (multiple parcels)

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xx. 4000 N. Grand River LLC for property located at 4000 N. Grand River Ave.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxi. Sam X Eyde for property located at 5935 Enterprise Dr.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxii. Letavis Enterprises, Inc. for property located at 6939 S. Cedar St.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxiii. Cavanaugh West Apartments for property located at 1120 Mary Ave. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxiv. Menards, Inc. for property located at 725 American Rd. (multiple parcels)

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxv. TG Lansing, LLC for property located at 101 E. Edgewood Blvd. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxvi. Royoak, Inc. for property located at 5800 Enterprise Dr.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxvii. PT Partners Two, LLC & JCIM US, LLC for property located at 7009 W. Mt. Hope Ave.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- xxviii. Anaya Philemon for property located at 201 W. Jolly Rd. and sub-addresses

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ATTORNEY

- d. Letter from Richard and Sharon DuBois of 135 Delaware Dr. and Richard and Barbara Hockey of 142 Delaware Dr. regarding the Cristo Rey Fiesta

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse President Quinney from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach spoke to Jerry Ambrose, Executive Assistant to Mayor Bernero, about the repaving of Shiawassee St. by the Public Service Department. He also asked him about flooding issues on Cambridge Rd. and Westchester Rd.

Councilmember Dunbar addressed comments made by speakers tonight regarding the snow removal ordinance and stated that this year's Chili Cook-Off was phenomenal.

Councilmember Jeffries asked Jerry Ambrose about needed repairs to Westchester Rd. and Cambridge Rd.

Councilmember Allen distributed a letter to councilmembers from constituent Craig Wray regarding Northrup St. flooding.

City Clerk Swope stated that last week he attended the Delta Twp. council meeting where there was a contentious issue and said that applause negatively affected the ability for speakers to feel comfortable.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the City Council for passing appointment resolutions and he spoke about crumbling sidewalks in the city.

ADJOURNED TIME 9:49 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JUNE 15, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmember Dunbar

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice-President Robinson

To approve the printed Council Proceedings of June 1 and 8, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE

- a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Recognition of the 16th Annual Juneteenth Celebration

Vice President Robinson gave background information on the history of Juneteenth.

Chief Deputy City Clerk Reeves read the following Resolution:

RESOLUTION #2009-195

BY COUNCILMEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, June 19, 1865, coined as "Juneteenth" is of great historical significance and is the oldest African American Holiday; it is now an official state holiday in 15 states across the country; and

WHEREAS, it was on June 19, 1865, that news of the Emancipation Proclamation, which President Lincoln signed on January 1, 1863, reached the slaves of Texas; and

WHEREAS, learning of their freedom, this day of June 19, 1865, became the true Independence Day of African-Americans ending slavery in the United States; and

WHEREAS, the slaves immediately left the plantations, congregated in the cities, and began celebrating their freedom by praying, feasting, dancing, and singing; and

WHEREAS, Isabella Baumfree, born a slave in 1797 and later known as Sojourner Truth, chose her new name soon after she left slavery and traveled the country speaking passionately about the evils of slavery and advocated strongly for the equal rights of women. She settled in Michigan in 1857 where she inspired many to work in support of human rights issues; and

WHEREAS, Juneteenth is a day to honor and respect the sufferings of slavery, acknowledge the evils of slavery and its aftermath; it is a day to reflect upon our history, and realize because of it, there will forever be a bond between mankind; and

WHEREAS, Juneteenth is a day to commit to each other the needed support as family, friends, and co-workers; a day to build coalitions; and

WHEREAS, the Lansing City Council recognizes June 19th as Juneteenth Day and encourages everyone to participate in the 16th Juneteenth Anniversary Campaign;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, extends our appreciation to Sojourner Truth for her dedication and encouragement to human rights issues.

By Councilmember Robinson

Motion Carried

Vice President Robinson encouraged citizens to participate in the celebration.

Sonya Lewis spoke about essay contests winners and about several events related to Juneteenth.

Vice President Robinson stated that her younger cousin is an essay winner. She thanked Sonya Lewis for all of her hard work.

Marilyn Plummer spoke about the Juneteenth newspaper and stated that this is the 5th year the celebration is recognized as a state holiday.

Rev. Richard Doss thanked the City of Lansing for its support of Juneteenth.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Hewitt announced the next Foster Your Neighborhood meeting.

Councilmember Allen announced the next Old Everett Neighborhood meeting.

Councilmember Kaltenbach congratulated Maurice Benson on graduating from Indiana Tech. He also congratulated Maurice's mother for her support.

Vice-President Robinson announced the next Churchill Downs neighborhood meeting, as well as its annual picnic. She announced the next Colonial Village neighborhood meeting and the Lewton-Rich neighborhood garage sale. She thanked her colleagues who attended the recent 2nd Saturdays meeting for residents of the 3rd Ward. She spoke to Jerry Ambrose, Executive Assistant to Mayor Bernero, about updates to the Hill Center and inquired as to why a planned tour of the facility did not take place.

Councilmember Wood announced the Riverbank Traditional Pow Wow event.

Council President Quinney thanked his colleagues and Vice President Robinson for facilitating the City Council meetings in his absence. He stated that he is well and is glad to be back.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Chief Deputy City Clerk Reeves announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about bonds for job creation and economic recovery. He spoke about several items on tonight's agenda including the letter from the Mayor regarding Fiscal Year 2009 Year-End Budget Amendment. He spoke about the next Concert in the Park, Blues on the Square and Common Ground events.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 290, Section 4, of the Lansing Codified Ordinances to provide that a City officer or employee who receives a gift for himself, herself, or on behalf of the City, with a value over \$50.00 from someone not related to the donee by blood or marriage shall be required to submit a letter of disclosure to the City Clerk for transmission to the Board of Ethics for appropriate action

Councilmember Robinson gave a brief overview of the Public Hearing.

William Hubbell of 3916 Wedgewood Dr. stated concerns with proposed changes to the Ethics Ordinance.

Richard Clement of P.O. Box 26123 spoke about the proposed changes to the Ethics Ordinance.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. stated concerns with proposed changes to the Ethics Ordinance.

Thomas Ryan of 4336 Chadburne Dr. stated concerns with proposed changes to the Ethics Ordinance.

John Pollard of 1718 Blair St. stated concerns with proposed changes to the Ethics Ordinance and the issuance of Encroachment Permits to the Christman Company for improvements to 408 Kalamazoo St.

Willy Williams of P.O. Box 11042 spoke about various legislative matters.

Stan Shuck of 818 Cooper Ave. stated concerns with proposed changes to the Ethics Ordinance.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 290, Section 4, of the Lansing Codified Ordinances to provide that a City officer or employee

who receives a gift for himself, herself, or on behalf of the City, with a value over \$50.00 from someone not related to the donee by blood or marriage shall be required to submit a letter of disclosure to the City Clerk for transmission to the Board of Ethics for appropriate action

REFERRED TO THE COMMITTEE OF THE WHOLE

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Arlene Parrish of 3521 Wildwood Ave. spoke about the Administration's response to issues related to an independent contractor who worked on her house.

John Boise of 4921 Tenny St. spoke about various city matters.

Dennis Burdick of 518 N. Verlinden St. spoke about the snow removal ordinance.

Richard Clement of P.O. Box 26123 spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Thomas Ryan of 4336 Chadburne Dr. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Russell Terry of 121 E. Mt. Hope Rd. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-196

BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Todd and Kim Gavin are being recognized as Community Service Persons of the Year by the South Lansing Business Association on June 17, 2009; and

WHEREAS, they have dedicated themselves to the Immaculate Heart of Mary/St. Casimir school system, so much so that you cannot walk the halls without bumping into one of the Gavins; and

WHEREAS, because of their dedication and commitment, they have become familiar with the children, whether it's through Kim's involvement in the Kindergarten Round Up room, or Todd's initiative and coaching of the floor-hockey program; and

WHEREAS, they have shifted their focus from sports development and ventured into PTO leadership positions, parent mentoring programs, and field trip chaperones; and

WHEREAS, Todd has individually ventured into the Biology class each year for dissecting day, and Kim has served the last five years as a Girl Scout leader; and

WHEREAS, the Immaculate Heart of Mary/St. Casimir children are a primary focus and concern, and it is commonplace to find those children at the Gavin home almost any day of the week; and

WHEREAS, Todd Gavin has served one year as the PTO President, started and coached the floor-hockey program for the past six years, has coached the soccer team for six years, has coached the girls basketball team and boys baseball team for one year, and has chaperoned all but two field trips over a six year period; and

WHEREAS, Kim Gavin has served as PTO President for one year, served as PTO Vice-President for one year, directed the soccer program for three years, coordinated the mentoring program for five years, served as a room representative for eight years, and coordinated the book fair one year ; and

WHEREAS, the Gavins are thoroughly committed to enriching the lives of children through their service to the Immaculate Heart of Mary/St. Casimir School;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, extends their gratitude to Todd and Kim Gavin for there dedication and focus to the Lansing educational community and congratulates them on their achievement as the Community Service Persons of the Year. We wish you continued success!

By Councilmember Allen

Motion Carried

RESOLUTION #2009-197

BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Chris Holman is being recognized as the Alfreda Schmidt Lifetime Achievement Award recipient by the South Lansing Business Association on June 17, 2009; and

WHEREAS, he is an entrepreneur, media personality, business owner, teacher and father; and

WHEREAS, he is a graduate of Eastern Michigan University and a Lansing resident for over 30 years; and

WHEREAS, he started The Greater Lansing Business Monthly magazine out of the trunk of his car in 1987 and has dedicated himself to promoting the mid-Michigan business community from that time forward; and

WHEREAS, he currently hosts a statewide, syndicated radio show entitled "Business Beat"; and

WHEREAS, in early 2006, Chris Holman was appointed Michigan's Small Business Advocate by Governor Jennifer Granholm; and

WHEREAS, Chris Holman serves as a liaison between the Michigan Economic Development Corporation and small business owners across the state while working closely with the Michigan Business Ombudsman's Office; and

WHEREAS, he was once a high school teacher and coach and has returned to the joy of teaching as an instructor at Michigan State University; and

WHEREAS, he has committed countless hours to the business community by serving on several other business ventures and numerous community boards;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, extends their gratitude to Chris Holman for his devotion and commitment to the Lansing Community and congratulates him on his

achievement as the Alfreda Schmidt Lifetime Achievement Award recipient. We wish you continued success!

By Councilmember Allen

Motion Carried

RESOLUTION #2009-198

BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, David C. Hollister is being recognized as the Business Person of the Year by the South Lansing Business Association on June 17, 2009; and

WHEREAS, he serves as the President and CEO of Prima Civitas Foundation, a new nonprofit organization that aims at boosting Michigan's economy through promoting life sciences, advanced manufacturing, alternative energy, and homeland security; and

WHEREAS, Mayor Hollister was appointed as Director of the Michigan Department of Consumer and Industry Services in January 2003 by Governor Jennifer Granholm; and

WHEREAS, Mayor Hollister lead the new department formed under the union of the CIS, the Michigan Department of Career Development, Michigan Economic Development Corporation, and Michigan Broadband Development Authority which addressed labor, economic growth, and urban development issues in the State of Michigan; and

WHEREAS, he has dedicated his life to public service: beginning as a high school teacher in the 1960's and continuing with his election and service to the Ingham County Commissioners in 1968 through 1974; and

WHEREAS, Mayor Hollister served in the Michigan House of Representatives from 1974 until 1993: quickly becoming one of the top ten legislators, chairing the Appropriations Subcommittee on Social Services for over a decade and serving on the Appropriations Committee for 16 years; and

WHEREAS, in 1993 he became Mayor of the City of Lansing and was re-elected to a third term with a landslide victory in November 2001; and

WHEREAS, because of his commitment to the City of Lansing, as Mayor he was able to build a new regional transportation center in downtown, bring minor league baseball to Lansing, strike a partnership with the State of Michigan that includes new buildings for various departments, create regional partnerships with local governments, and develop a new golf course and upscale housing; and

WHEREAS, one of Mayor Hollister's most exciting success was the commitment of General Motors to consolidate operations and build two new state-of-the-art assembly plants in Lansing;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, extends their gratitude to David C. Hollister for his devotion and inspiration to the Lansing Community and congratulates him on his achievement as the Business Person of the year. We wish you continued success!

By Councilmember Allen

Motion Carried

RESOLUTION #2009-199

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Donald L. Allen, Jr. earned his Juris Doctorate in Criminal Justice from Wayne State University in 1983; and

WHEREAS, he took an externship working in the U. S. Bankruptcy Court in the Eastern District of Michigan while still in law school and was offered a position as the Judge's Law Clerk after graduation; and

WHEREAS, from 1985 until 1987, Dr. Allen served as a UAW Legal Services Plan staff attorney, representing individuals in bankruptcy and real estate transactions; and

WHEREAS, in 1988, he was hired as the Assistant Attorney General, prosecuting cases in the Health Care Fraud Division, serving as a civil defense attorney in the Corrections Division, and practiced administrative law in both the Social Services and Revenue Divisions; and

WHEREAS, Dr. Allen, Jr. served three years on the Department of Attorney General Litigation Advisory Board; and

WHEREAS, in 2005, he joined Governor Jennifer Granholm's Office of Legal Counsel as Deputy Legal Counsel in the area of criminal justice and drug policy issues. His principal responsibilities were handling issues concerning Homeland Security, emergency management, intergovernmental compacts, extraditions, pardons, commutations, and appointments; and

WHEREAS, during his tenure as Deputy Legal Counsel, Dr. Allen also drafted legislation, Executive orders, Executive Directives, proclamations, and provided recommendations for judicial appointments and served as the executive office representative with the Michigan State Bar; and

WHEREAS, in 2006, Governor Jennifer Granholm appointed Dr. Allen as the Director of the Office of Drug Control Policy in the Michigan Department of Community Health; and

WHEREAS, as the Director of Drug Control Policy, Dr. Allen provides policy advice to the Governor in areas of substance use disorders, gambling addictions, and drug related violence, overseeing three federal grant programs; Department of Justice, Byrne and Justice Assistance Grants, and the Department of Health and Human Services Substance Abuse Prevention, and Treatment Block Grant; and

WHEREAS, Dr. Allen is currently leading an executive department workgroup tasked with reviewing the expenditures of funds for substance abuse services throughout state government and providing recommendations for increasing efficiencies and serves as co-lead on interdepartmental workgroup on co-occurring disorders; and

WHEREAS, Dr. Allen led the Governor's efforts to address the many problems posed by methamphetamine, holding meetings with various executive departments and interested stakeholders and his collective efforts led to the implementation of precursor legislation and the adoption of a drug endangered children's protocol; and

WHEREAS, his professional affiliations include membership with the Michigan Bar Association, the National Criminal Justice Association, the State Bar of Michigan Lawyers and Judges Assistance Program, the National Association of State Alcohol and Drug Abuse Directors, the National Criminal Justice Association's Policy Committee, and Board President of Caring About Kids;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, congratulates Donald L. Allen, Jr. on being recognized at the Lansing Black Lawyers Association's Annual Otis M. Smith Scholarship Banquet for his outstanding leadership and accomplishments. We wish you continued success in all your future endeavors!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-200

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on April 11, 1988, the Lansing City Council authorized the sale of certain real property to The Christman Company, which real property is included as part of the parcel of real property commonly known as 408 Kalamazoo Plaza, Lansing, Michigan; and

WHEREAS, as part of the resolution, in order to effectuate the intent of the transaction and the improvements to be made to the building at 408 Kalamazoo Plaza, the Lansing City Council authorized the Public Service Department to issue three permits to The Christman Company to encroach onto:

The east 84 feet of the south side of Kalamazoo Plaza 9 feet for landscaping, sidewalk and 1 foot overhanging fascia material, and to encroach into the west 91 feet of the south side of Kalamazoo Plaza 9 feet for parking; and

The east 9 feet of the north 109 feet of the River Street right-of-way along the south 37 feet Lot 5, Lot 6 and the north 6 feet of Lot 7 for parking and onto the next 126 feet of River Street right-of-way along Lot 8 and the south 60 feet of Lot 7 for landscaping as required by the Zoning Code; and

The north side of Lenawee Street right-of-way 5 feet for landscaping as required by the Zoning Code.

; and

WHEREAS, the City and The Christman Company entered into a Memorandum of Understanding setting forth the same terms; and

WHEREAS, The Christman Company completed the above improvements and subsequent to the completion of these improvements The Christman Company transferred fee simple title to the real property commonly known as 408 Kalamazoo Plaza to Christman Capital Development Company; and

WHEREAS, there is no record that the permits referred to above were ever issued to The Christman Company or Christman Capital Development Company; and

WHEREAS, a new fascia was placed on the building located at 408 Kalamazoo Plaza during 1988, encroaching approximately .6 of a foot onto Kalamazoo Plaza, and extending from Fifty Seven and Four Tenths Feet (57.4') from the waters edge, southwest to the corner of the building; and

WHEREAS, Christman Capital Development Company has approached the City to resolve the existing encroachment issues; and

WHEREAS, the encroachments are small, pre-existing, and benefit the City by creating sidewalk, parking, and landscaping; and

WHEREAS, there will be no loss in public access to the waterways, no harm to any owners within the plat, any other party, or the public, if the encroachments are permitted.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby authorizes the administration to grant permits to Christman Capital Development Company, its successors and assigns (to the extent permitted by applicable law), for the following encroachments, subject to approval as to form and content by the City Attorney:

BUILDING ENCROACHMENT (KALAMAZOO PLAZA)

Legal Description:

That part of Kalamazoo Plaza, City of Lansing, Ingham County, Michigan, described as: Commencing at the intersection of the Southeasterly line of Kalamazoo Plaza and the Northeasterly line of River Street; thence Northeasterly, 83.3 feet along the Southeasterly line of Kalamazoo Plaza,

also being the Northwestern line of the Southeasterly 28 feet of Lot 5, Block 132 of the Original Plat of the City of Lansing, Ingham County, Michigan, as recorded in Liber 2 of Plats on page 136 of the Ingham County Records, to the Southwesterly line of an existing two story brick building and the point of beginning of the following described parcel; thence Northwestern 1.0 feet; thence Northeasterly 84.0 feet; thence Southeasterly 1.0 feet; thence Southwesterly 84.0 feet along the Southeasterly line of Kalamazoo Plaza to the point of beginning.

LANDSCAPING AND SIDEWALK ENCROACHMENT (KALAMAZOO PLAZA)

Legal Description:

That part of Kalamazoo Plaza, City of Lansing, Ingham County, Michigan, described as: Commencing at the intersection of the Southeasterly line of Kalamazoo Plaza and the Northeasterly line of River Street; thence Northeasterly, 83.3 feet along the Southeasterly line of Kalamazoo Plaza, also being the Northwestern line of the Southeasterly 28 feet of Lot 5, Block 132 of the Original Plat of the City of Lansing, Ingham County, Michigan, as recorded in Liber 2 of Plats on page 136 of the Ingham County Records, to the Southwesterly line of an existing two story brick building and the point of beginning of the following described parcel; thence Northwestern 9.0 feet; thence Northeasterly 84.0 feet; thence Southeasterly 9.0 feet; thence Southwesterly 84.0 feet along the Southeasterly line of Kalamazoo Plaza to the point of beginning.

PARKING ENCROACHMENT (KALAMAZOO PLAZA)

Legal Description:

That part of Kalamazoo Plaza, City of Lansing, Ingham County, Michigan, described as: Beginning at the intersection of the Southeasterly line of Kalamazoo Plaza and the Northeasterly line of River Street; thence Northwestern 10.0 feet along an extension of the Northeasterly line of River Street; thence Northeasterly 73.0 feet, thence Southeasterly 10.0 feet; thence Southwesterly 73.0 feet along the Southeasterly line of Kalamazoo Plaza, also being the Northwestern line of the Southeasterly 28 feet of Lot 5, Block 132 of the Original Plat of the City of Lansing, Ingham County, Michigan, as recorded in Liber 2 of Plats on page 136 of the Ingham County Records, to the point of beginning.

PARKING & LANDSCAPING

Legal Description:

That part of River Street lying Southwesterly off and adjacent to Block 132 of the Original Plat of the City of Lansing, Ingham County, Michigan, as recorded in Liber 2 of Plats on page 136 of the Ingham County Records, described as: Beginning at the Southerly most corner of Lot 8, Block 132; thence Southwesterly 9.0 feet on the Southwesterly extension of the Southeasterly line of Lot 8; thence Northwestern 236.0 feet, parallel with the Northeasterly line of River Street; thence Northeasterly 9.0 feet along the Northwestern line of the Southeasterly 38 feet of Lot 5, Block 132; thence Southeasterly 236.0 feet along the Northeasterly line of River Street to the point of beginning.

PARKING & LANDSCAPING

Legal Description:

The Northwestern 5.0 feet of that part of Lenawee Street lying Southeasterly of and adjacent to Lot 8, Block 132 of the Original Plat of the City of Lansing, Ingham County, Michigan, as recorded in Liber 2 of Plats on page 136 of the Ingham County Records.

PARKING & DUMPSTER PAD

Legal Description:

That part of Lot 8, Block 132 of the Original Plat of the City of Lansing, Ingham County, Michigan, as recorded in Liber 2 of Plats on page 136 of the Ingham County Records, described as: Commencing at the Southerly most corner of Lot 8; thence Northeasterly, 136.0 feet along the Southeasterly line of Lot 8 to the point of beginning of the following

described parcel; Thence Northwestern 51.0 feet along the Northeasterly line of the Southwesterly 136.0 feet of the Southeasterly 51.0 feet of Lot 8; Thence Northeasterly, 22.31 feet along the Northwestern line of the Southeasterly 51.0 feet of Lot 8; thence Southeasterly 51.46 feet along the edge of existing asphalt parking and concrete dumpster pad; thence Southwesterly, 15.87 feet along the Southeasterly line of Lot 8 to the point of beginning.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-201

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, LaSandra Jones sought to eliminate special assessments of \$491.00, \$375.00, and \$65.00, totaling \$931.00, for trash and debris violations and 2nd notice fee and all associated penalties and interest on the property tax bill of 1225 Dakin Street, Lansing, Michigan 48912; and

WHEREAS, the Committee on General Services met on Monday, June 8, 2009, to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by LaSandra Jones of \$491.99, \$375.00, and \$65.00, totaling \$931.00, for special assessments on trash and debris violations and 2nd notice fee and all associated penalties and interest on the property tax bill of 1225 Dakin Street, Lansing, Michigan 48912;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-202

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Richard and Julieta Cole sought to eliminate special assessment of \$800.23 for Board-up and all associated penalties and interest on the property tax bill of 712 Randall, Lansing, Michigan 48906; and

WHEREAS, the Committee on General Services met on June 8, 2009, to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Richard and Julieta Cole of \$800.23 for Board-up and all associated penalties and interest on the property tax bill of 712 Randall, Lansing, Michigan 48906;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-203

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Potter-Walsh Neighborhood Association has requested \$500.00 to defray costs for the rental of the park and other costs associated with the annual Potter-Walsh Neighborhood Children's Block Party to be held on Saturday, July 11, 2009; and

WHEREAS, the Committee on General Services met on Monday, June 8,

2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Use/Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Use/Promotion Account to Potter-Walsh to defray costs for the rental of the park and other costs associated with the annual Potter-Walsh Neighborhood Children's Block Party to be held on Saturday, July 11, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Use/Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Potter-Walsh Neighborhood Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-204

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Jerry Ambrose to the Local Development Finance Authority for a term to expire June 30, 2013; and

WHEREAS, the Committee on Ways and Means met on Monday, June 8, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Jerry Ambrose to the Local Development Finance Authority for a term to expire June 30, 2013.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-205

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Baldomero Garcia to the Local Development Finance Authority for a term to expire June 30, 2012; and

WHEREAS, the Committee on Ways and Means met on Monday, June 8, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Baldomero Garcia to the Local Development Finance Authority for a term to expire June 30, 2012.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-206

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Robert Traub as an At-Large member to the Income Tax Board of Review for a term to expire June 30, 2010; and

WHEREAS, the Committee on Ways and Means met on Monday, June 8, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Robert Traub as an At-Large member to the Income Tax Board of Review for a term to expire June 30, 2010.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-207

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Gloria Nostrant as an At-Large member to the Income Tax Board of Review for a term to expire June 30, 2010; and

WHEREAS, the Committee on Ways and Means met on Monday, June 8, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, confirms the reappointment of Gloria Nostrant as an At-Large member to the Income Tax Board of Review for a term to expire June 30, 2010.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-208

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Patrick Izzo to the Income Tax Board of Review as an At Large member for a term to expire June 30, 2010; and

WHEREAS, the Committee on Ways and Means met on Monday, June 8, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Patrick Izzo to the Income Tax Board of Review as an At Large member for a term to expire June 30, 2010.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-209

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Howard McCaffery as a retiree representative to the Employees Retirement Board for a term to expire June, 30, 2013; and

WHEREAS, the Committee on Ways and Means met on June 8, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, confirms the reappointment of Howard McCaffery as a retiree representative to the Employees Retirement Board for a term to expire June 30, 2013.

By Councilmember Wood

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letter from the Mayor regarding Fiscal Year 2009 Year-End Budget Amendment

REFERRED TO THE COMMITTEE OF THE WHOLE

- Communications and Petitions, and Other City Related Matters:

- a. Notice from the State of Michigan Public Service Commission providing notice of a Public Hearing to the Gas Customers of Consumers Energy Company Case No. U-15986 on June 24, 2009

RECEIVED AND PLACED ON FILE

- b. Letter from Ingham Intermediate School District submitting its 2009 Tax Levy and Millage Reduction Fraction Computation and their Estimated 2009 Summer Tax Levy Summary

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

- c. Letter from Waverly Community Schools submitting its 2009 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

- d. Letter from the Treasurer of Lansing Sesquicentennial Foundation, Timothy Adams, submitting its monthly report of expenditures for April and May 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- e. Notice of Claim submitted on behalf of Robert and Tiffany Stedfeldt for property located at 4642 Palmer St.

REFERRED TO THE CITY ATTORNEY AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Request for Recognition of Non-Profit Status in the City of Lansing submitted on behalf of Lansing Area Parents' Respite Center located at 840 E. Mt. Hope Rd.

REFERRED TO THE CITY ATTORNEY AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- g. Affidavit of Disclosure submitted by Paul Evansen of the Lansing Fire Department

REFERRED TO THE BOARD OF ETHICS

- h. Letter from Craig Wray of 617 W. Northrup St. regarding flooding and driveway issues on Northrup St.

REFERRED TO THE COMMITTEE OF THE WHOLE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Dunbar from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Wood addressed comments made by speakers tonight regarding changes to the Ethics Ordinance and about disseminating information to the public.

Councilmember Kaltenbach asked Jerry Ambrose if a citizen's concerns have been address regarding grading issues related to the CSO project. Jerry Ambrose stated that those issues had been addressed.

Councilmember Wood asked Jerry Ambrose if the administration had contacted the owner of Handy's Market about signage issues and he stated that those concerns had been addressed.

Councilmember Hewitt asked Jerry Ambrose about a sidewalk survey that he asked for previously and he stated that he did not receive it but will follow up to get the survey to Councilmember Hewitt.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the next Mobile Food Pantry. He addressed comments made by speakers tonight regarding construction on Edgewood Blvd.

ADJOURNED TIME 8:38 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JUNE 22, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmembers Allen and Robinson (Arrived at 9:21 p.m.)

Council President Quinney asked folks to remember Frank Garrison of the Michigan AFL-CIO who recently passed away during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of June 15, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

Special Ceremonies

1. Mayoral Presentation; Recognition of the National Association of Letter Carriers' 17th Annual Stamp Out Hunger Food Drive

Mayor Bernero spoke about the history of the food drive. He thanked the letter carriers for filling the area food pantries. He highlighted points in his proclamation to the letter carriers.

President Quinney stated that this event is an extension of the labor movement and thanked the letter carriers on behalf of the City Council.

Rita Seyka thanked the community for its involvement in the event. She stated that 97,000 pounds of food have been collected in the Lansing area.

Mayor Bernero asked all to participate.

Councilmember Kaltenbach applauded all letter carriers.

Councilmember Dunbar praised her letter carriers for participating in neighborhood activities.

2. Presentation; Recognition of the Winners of the Pac Mac Spelling Bee held on June 13, 2009

Councilmember Wood spoke about the 21st annual spelling bee. She

spoke about Pac Mac's involvement in children's' education.

Audrey Smith spoke about the children in the program and thanked Ethel Williams for her passion for the program.

Ethel Williams stated that she joined Pac Mac 25 years ago. She gave detailed history of the program and thanked the parents for their involvement.

Audrey Smith introduced the students present.

The students introduced themselves and stated their grade level and stated which place in the competition they placed.

Audrey Smith encouraged students to participate in the future.

Councilmember Wood thanked the students, their parents and all of the professionals who participated in the program.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Dunbar announced the Sagamore Hill Summer Barbecue, the next Concert in the Park at Moores Park, Blues on the Square, Averill Woods Neighborhood meeting, Festival of the Moon and Sun and the South Lansing Farm Market.

Councilmember Hewitt announced the next Gier Neighborhood Watch #154 meeting.

Councilmember Wood spoke about a neighborhood center at 119 E. Barnes and the Zeineh Garden behind the Women's Center of Greater Lansing.

City Clerk Swope stated that absentee ballots for the August Primary should be arriving in his office this coming week. He also stated that there is still time to request ballots and spoke about the ways in which request them.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about several items on tonight's agenda including his referral regarding the CSO Project Plan Amendment. He stated that the new City Market is under construction. He spoke about the recent Mobile Food Pantry, the Touch A Truck event, the next Concert in the Park and the next Blues on the Square event. He also spoke about Common Ground and the Festival of the Moon/Festival of the Sun event.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Z-2-2009; 600 W. Maple St., a request filed by the Greater Lansing Housing Coalition to rezone the property located at 600 W. Maple St. from "B" Residential District to "D-1" Professional District to permit the building at this location to be used for 3 Head Start classrooms and offices that provide housing assistance and community support services
2. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care
3. In consideration of 2009-2010 Principal Shopping District Special Assessment

Lynn Martinez of the Greater Lansing Housing Coalition gave an overview of Public Hearing #1.

Councilmember Wood gave a brief overview of Public Hearing #2 and #3.

Daniel Bradley of Vertical Properties spoke in support of SLU-4-08.

Darnell E. Oldham, Sr. of 3825 Berwick Dr. spoke in support of Z-2-2009 and in opposition to SLU-4-08.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in support of Z-2-2009.

Robert Bennett of 907 Chicago Ave. spoke in support of Z-2-2009.

Kathi Raffone of 1221 Muskegon Ave. spoke in support of Z-2-2009.

Thelma Garrett of 8065 Grand River Ave. spoke in support of SLU-4-08.

Christine Timmon of 2519 S. Washington Ave. spoke in support of Z-2-2009 and SLU-4-08 and stated concerns with the Ordinance to Amend Chapter 292 of the Lansing Code of Ordinances.

John Pollard of 1718 Blair St. spoke in support of Z-2-2009 and in opposition to SLU-4-08.

Stan Shuck of 818 Cooper Ave. spoke in opposition to SLU-4-08.

Bryan Decker of 543 E. Edgewood Blvd. spoke in support of Z-2-2009 and in opposition to SLU-4-08.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Z-2-2009; 600 W. Maple St., a request filed by the Greater Lansing Housing Coalition to rezone the property located at 600 W. Maple St. from "B" Residential District to "D-1" Professional District to permit the building at this location to be used for 3 Head Start classrooms and offices that provide housing assistance and community support services

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

3. In consideration of 2009-2010 Principal Shopping District Special Assessment

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Arlene Parrish of 3521 Wildwood Ave. spoke about the Administration's response to issues related to an independent contractor who worked on her house.

Sandra Shafley of 918 McKim Ave. spoke about safety issues.

Ronald Kruger of 3333 Moores River Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Jim Harken of S. 315 Bingham St. spoke about the Board of Water and Light.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Daniel Pesina of 424 Willow St. spoke about various city matters.

Jason Riley of 207 Mifflin Ave. spoke about recycling in the city.

Corinne Riebow of 2117 Devonshire Ave. spoke about recycling in the city.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Christine Timmon of 2519 S. Washington Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Norris Gibson of 100 W. Willow St. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

JUNE 22, 2009

COUNCIL PROCEEDINGS

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LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-210

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION TO SET A PUBLIC HEARING
Blue Coyote Brewing Company – 113 Pere Marquette Dr.

WHEREAS, Angevine Inc. has made application with the Lansing Economic Development Corporation (LEDc) for a business financing assistance loan for the Blue Coyote Brewing Company proposed to be located near the NW intersection of Pere Marquette Dr. and Michigan Ave. at 113 Pere Marquette Dr. (the Project); and

WHEREAS, in an effort to foster business development, expansion and renovation of properties within the downtown area, the LEDc has initiated a Business Financing Assistance Program and finds the Project to be within the targeted area for downtown revitalization; and

WHEREAS, the Business Financing Assistance Program will utilize a portion of the LEDc's capital to make funds available for financing the Project; and

WHEREAS, the LEDc Board of Directors, in conformity with Public Act 338 of 1974, as amended (the "Act"), has approved the Project Plan, including a Project Area and Project District Area for the Project; and

WHEREAS, Section 8 of the Act requires that before the LEDc acquires an interest in property or incurs obligations for a specific project, the corporation shall prepare a project plan, conduct a public hearing on the matter and secure the approval of the City Council; and

WHEREAS, at such hearing, the City Council shall provide an opportunity for all interested persons to be heard on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY COUNCIL AS FOLLOWS:

1. The following Project Area, as designated by the LEDc, is hereby certified as approved:

COM SE COR LOT 33, TH N 64.10 FT TO CENTER WALL, W ON CL WALL 172 FT TO W LINE LOT 33, S 63.58 FT TO S LINE LOT 33, E 172 FT TO BEG. ASSESSORS PLAT NO 36 OF BLOCK 243

Land in the City of Lansing, County of Ingham, Michigan more particular described as:

113 Pere Marquette Dr.

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area is hereby established having the same description as the Project Area herein certified as approved.

3. The Lansing City Council hereby advises and confirms to the appointment by the Mayor of Charlie Janssen and Tim Murphy as two additional directors to the Board of Directors of the LEDc solely for this project, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.

4. A public hearing upon the Project Plan for such Project shall be held at 7:00 p.m. on July 6, 2009, in the City Council

Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan. At such hearing, the City Council shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

5. The Lansing Economic Development Corporation has a proposed loan in the amount of \$250,000 for this project.

6. The City Clerk shall provide notice of the time and place of the hearing given by publication once in a newspaper of general circulation designated by the municipality, not less than 10 days before the date set for the hearing.

The City Clerk shall forward three (3) certified copies of this Resolution to the Lansing Economic Development Corporation.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-211

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act 4-09, 2525 E. Cavanaugh, Vacate segment of Bear Swamp Drain.

WHEREAS, Scott and Cara Doefler, owners and residents of 2525 Cavanaugh, request that the City vacate that segment of the Bear Swamp Drain easement that traverses their property; and

An Act 285 Review is conducted as the procedure to evaluate the public purpose of a given City property, and that property's necessity for City operations; and

WHEREAS, The Bear Swamp Drain runs southeasterly across Duncel Road, into the Trappers Cove subdivision, across the Sonnybrook Plat (between Duncel, Cavanaugh, and Dier roads) and into the Sycamore Creek to the west; and

WHEREAS, It is an enclosed drain, located in a 100' single-purpose drain easement, with no other utilities allowed within the easement, and is under the jurisdiction of the Public Service Department; and

The subject property at 2525 E. Cavanaugh is in a low-density residential area, zoned "A₁ Residential; and

WHEREAS, The Bear Swamp Drain easement hooks its way through the neighborhood, taking out a substantial area that would otherwise be buildable; and

WHEREAS, Public Service has done an extensive analysis of the drain and its necessity for operations, and found that this segment of the Bear Swamp Drain is *no longer necessary* for City operations; and

WHEREAS, *Public Service has recommended the abandonment of the drain* in the Sonnybrook Plat, with these conditions (see attached):

1. The drainage conditions for Lots 2, 3, 4, 5, 6 and 7 of Sonnybrook Plate as of May 7, 2009 shall remain as allowed by common drain (case) law. Any changes to these drainage conditions that may adversely affect an upstream or downstream property may open the property owner to liability.

2. The City abandons all rights, interest and responsibility to the pipe located under the Sonnybrook Plat that conveyed the Bear Swamp Drain; and

WHEREAS, the Planning Board reviewed the location, character, and extent of the proposal in accordance with its Act 285 procedures, and concurred with the finding and recommendation of the Department of Public Service that the Bear Swamp Drain is *no longer necessary* for City operations, and could be vacated as requested; and

WHEREAS, the Planning Board, at its meeting on May 19, 2009 voted unanimously (4-0) to recommend approval of Act-4-09, the request by Scott and Cara Doerfler, owners and residents of 2525 Cavanaugh, that the City vacate that segment of the Bear Swamp Drain easement that traverses their property; and

WHEREAS, the Development and Planning Committee of City Council has reviewed the report of the Planning Board, concurs therewith.

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council hereby approves Act-4-09, and abandons and vacates a segment of the Bear Swamp Drain particularly described as:

That portion of the Bear Swamp Drain which lies within Lots 5 and 6, Sonnybrook Plat, Section 35 of Lansing Township, City of Lansing, Ingham County, Michigan,

provided that the drainage conditions for Lots 2, 3, 4, 5, 6 and 7 of Sonnybrook Plat as of May 7, 2009 shall remain as allowed by common drain (case) law. (Any changes to these drainage conditions that may adversely affect an upstream or downstream property may open the property owner to liability).

BE IT FINALLY RESOLVED, that the City abandons all rights, interest and responsibility to the pipe located within the vacated portion of the Bear Swamp Drain.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-212

BY THE COMMITTEE OF DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-4-2008
5405 S. M.L. King Boulevard
Wireless Communication Tower in the "A" Residential District

WHEREAS, the applicant, Vertical Properties, LC, has requested a Special Land Use permit (SLU-4-08) to construct a wireless communication tower at 5405 S. M.L. King Blvd., and has provided all information required by Ordinance 1298.07; and

WHEREAS, the property is zoned "A" Residential District where wireless communication towers are permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on February 17, 2009, at which time the property owner's representative spoke in favor of the request and two area residents expressed concerns about the proposal; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its February 17, 2009 meeting, voted unanimously (5-0) to recommend approval of SLU-4-08 to permit a wireless communication tower at 5405 S. M.L. King, with certain conditions; and

WHEREAS, the City Council held a public hearing regarding SLU-4-08 on

April 13, 2009; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith; and

WHEREAS, the ordinance regulating wireless communication towers requires a setback of 225 feet from the north property line, 112.5 feet from the south property line of 5405 S. ML King and a separation distance of 1,500 feet between towers in excess of 75 feet in height; and

WHEREAS, the applicant is proposing a setback of 178 feet from the north property line, 52 feet from the south property line at 5405 S. ML King and a separation distance of 1,080 feet between the proposed tower and the existing tower on the west side of S. ML King; and

WHEREAS, the Lansing City Council hereby determines that the goals of the wireless communication tower ordinance can be met by allowing the reduced setbacks and separation distance;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-4-08, for a wireless communication tower at 5405 S. M.L. King, as depicted on the plans most recently revised on 1/28/09, with the following conditions:

1. The proposed monopole tower provide for at least 5 co-locations of antennas,
2. The tower shall not interfere with telemetry communications of local hospitals and emergency services,
3. The tower be appropriately accessible and fenced for security, without the use of barbed wire, and
4. The tower shall have a setback of 178 feet from the north property line, 52 feet from the south property line at 5405 S. ML King and a separation distance of 1,080 feet between the proposed tower and the existing tower on the west side of S. ML King.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with conditions, the City Council has considered the factors listed in Section 1298.07(B)(2), and determines the following:

1. The proposed wireless communication tower is compatible with the essential character of the surrounding area, as designed.
2. The proposed wireless communication tower will not change the essential character of the surrounding area.
3. The proposed wireless communication tower will not interfere with the general enjoyment of adjacent properties.
4. The proposed wireless communication tower will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.

5. The proposed wireless communication tower will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed wireless communication tower can be adequately served by essential public facilities and services.
7. The proposed wireless communication tower will not place any demands on public services and facilities in excess of current capacities.
8. The proposed wireless communication tower is consistent with the intent and purposes of the Zoning Code and in conformance with the master plan.
9. The proposed wireless communication tower will comply with the requirements of the "A" Residential District.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-213

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Dean Taylor to an At Large position on the Building Board of Appeals for a term to expire June 30, 2010.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Dean Taylor to an At Large position on the Building Board of Appeals for a term to expire June 30, 2010.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-214

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Randall Kamm as the Citizen Representative on the Building Board of Appeals for a term to expire June 30, 2010.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Randall Kamm as the Citizen Representative on the Building Board of Appeals for a term to expire June 30, 2010.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-215

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Donald Heck as the Engineer Representative on the Building Board of Appeals for a term to

expire June 30, 2010.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Donald Heck as the Engineer Representative on the Building Board of Appeals for a term to expire June 30, 2010.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-216

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of James Drake as the Architect Representative on the Building Board of Appeals for a term to expire June 30, 2011.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of James Drake as the Architect Representative on the Building Board of Appeals for a term to expire June 30, 2011.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-217

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of James Butler as an At Large Member on the EDC/TIFA/LBRA Board for a term to expire February 28, 2015.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of James Butler as an At Large Member on the EDC/TIFA/LBRA Board for a term to expire February 28, 2015.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-218

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Nathalie Winans as an At Large Member on the Historic District Commission for a term to expire June 30, 2012.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Nathalie Winans as an At Large Member on the Historic District Commission for a term to expire June 30, 2012.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-219

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of John Ruge as the First Ward member on the Planning Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of John Ruge as the First Ward member on the Planning Board for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-220

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Holly Cordill as an At Large member on the Planning Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Development and Planning met on June 10, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Holly Cordill as an At Large member on the Planning Board for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-221

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

Lansing Parks & Recreation Department and Charles Holm of Wolverine Fireworks Display for a public display of fireworks in the City of Lansing at Oak Park to be held on July 4, 2009 with a rain date of July 5, 2009.

By Councilmember Kaltenbach

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

Vice President Robinson arrived at the meeting at 9:21 p.m.

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting an Application for a Public Display of Fireworks filed by Lansing Parks & Recreation and Charles Holm of Wolverine Fireworks Display to be held on July 4, 2009 with a rain date of July 5, 2009

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Transfer of Funds; Michigan Justice Training Fund per Public Act 302 for Training of Police Officers; Estimated Revenues from State of Michigan per Public Act 32 for 911 Dispatcher Training; Donations Received from Barron Enterprises and Accident Fund Insurance for the Neighborhood Watch Program; Donations from Auto-Owners Insurance for the Neighborhood Watch Program; General Fund Monies from Donations from Dover's Crossing and Granger III and Associates, LLC to LPD Radio Lab for Neighborhood Cameras; Donation from Dora Hetrick to LPD Radio Lab for Neighborhood Cameras; Reserved Donations Available for LPD Radio Lab for Neighborhood Camera Lease Payment

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Combined Sewer Overflow Control Project Plan, Amendment No. 4

REFERRED TO THE COMMITTEE OF THE WHOLE

- iii. City Property Report – 2009 Inventory List of City-Owned Properties

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of the City of Lansing's application for a permit to allow for the placement of 2,109 Cubic yards of fill for the construction of a concrete riverwalk on the east and west side of the Grand River, including a pier supported pedestrian bridge on the west side of the river, the construction of 687 feet of retaining wall, some utility rework, river bank regrading and the construction of the City Market Building. All these activities are located in the City of Lansing and within the 100-year floodplain of the Grand River. Compensatory cut in the amount of 1,625 cubic yards has been proposed to offset the fill placement within the 100-year floodplain in addition to the net compensatory of 2,495 cubic yards provided by the Accident Fund Project, Permit Number 09-33-0008-P. The combined total net compensatory cut for both projects is equal to 2,011 cubic yards

RECEIVED AND PLACED ON FILE

- b. Contracts between the State of Michigan Department of Transportation and the City of Lansing to allow for:

i. PART A — FEDERAL PARTICIPATION

Hot mix asphalt cold milling and paving work along East Michigan Avenue from Highway US-127 to Friendship Court; including drainage improvements, concrete curb and gutter, and concrete sidewalk work; and all together with necessary related work

PART B — NO FEDERAL PARTICIPATION

Audiovisual taping work along East Michigan Avenue from Highway US-127 to Friendship Court; and all together with necessary related work

REFERRED TO THE CITY ATTORNEY

ii. PART A — FEDERAL PARTICIPATION

Hot mix asphalt cold milling and resurfacing work along Washington Avenue from Miller Road to Jolly Road; including sidewalk ramps and pavement marking work; and all together with necessary related work

PART B — NO FEDERAL PARTICIPATION

Sanitary sewer work along Washington Avenue from Miller Road to Jolly Road; and all together with necessary related work.

REFERRED TO THE CITY ATTORNEY

- c. Resolution #09-180 from the Ingham County Board of Commissioners Adopting the Recommendation of the 911 Steering Committee to select a site for an Ingham County 911 Consolidated Dispatch Center Facility

REFERRED TO THE COMMITTEE OF THE WHOLE

- d. Letter from Ingham Intermediate School District submitting Okemos Public Schools' 2009 Tax Levy and Millage Reduction Fraction Computation and their 2009 Summer of Summer Sinking Fund

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- e. Claims appeal filed by Cynthia Wallace and Kathy Parker for property located at 3523 Jewell Ave.

REFERRED TO THE CITY ATTORNEY AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Letter from Christine Timmon of 2519 S. Washington Ave. regarding the Lansing City Council

RECEIVED AND PLACED ON FILE

- g. Letter from Fred Williams of 350 E. Gier St. regarding the enforcement of the Fireworks Ordinance

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Kaltenbach

To excuse Councilmember Allen from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Council Kaltenbach stated that O'Reilly's Auto Parts is a great place to get your car fixed and to ask for Bonnie Bennett.

Councilmember Dunbar wished Councilmember Kaltenbach a happy 61st birthday.

Vice President Robinson addressed comments made by speakers at the podium tonight regarding safety and decorum issues at City Council meetings. She thanked the City Council for revisiting the Council's rules.

Councilmember Dunbar stated that the proposed Council safety changes were suggestions of the Lansing Police Department.

Councilmember Wood announced the Tri-County Regional Planning meeting held with MDOT concerning Martin Luther King, Jr. Blvd.

ADJOURNED TIME 9:30 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JUNE 29, 2009**



180

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmember Robinson

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of June 22, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Congratulating Kevin Reeves on Receiving his Associate and Bachelor of Arts Degrees

Council President Quinney spoke about Kevin Reeves' contributions to the City Council.

Jerry Ambrose, Executive Assistant to Mayor Bernero, congratulated Kevin on earning his degrees and thanked him for his dedication to the City of Lansing.

City Clerk Swope read the following Resolution:

RESOLUTION #2009-222

BY COUNCILMEMBER DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Kevin Reeves was born on November 18, 1964 in Detroit, Michigan to Charles and Gwendolyn Reeves, who instilled in him the importance of education in opening up the doors of opportunity; and

WHEREAS, after attending the University of Detroit High School, Kevin enrolled at Michigan State University and struggled to finance his education, dropping out to work full time simultaneously at Impression 5 Museum and for the State of Michigan Department of Treasury; and

WHEREAS, Kevin left Lansing in 1989 and moved to Los Angeles to continue his education and explore a career in songwriting and record production; and

WHEREAS, while attending Santa Monica College, a rare job opportunity far away from school would once again put his educational goals on hold; and

WHEREAS, in 2002 Kevin returned to Lansing in search of a lower cost of living and to finally make his educational goals a priority; and

WHEREAS, Kevin's longtime friend Monica Zuchowski told Kevin about Lansing Community College's University Center where working adults could receive their bachelor's degrees; and

WHEREAS, in 2007 Kevin became Chief Deputy City Clerk for the City of Lansing with Monday night commitments for City Council meetings and once a month commitments for the Board of Ethics and the Memorial Review Board, making it difficult for him to take classes and do homework; and

WHEREAS, Kevin graduated Magna Cum Laude from Lansing Community College on May 8, 2009, receiving an Associates Degree in General Education; and

WHEREAS, on May 3, 2009 Kevin participated in graduation ceremonies at Siena Heights University in Adrian, Michigan, and completed his degree requirements on June 25, 2009 with a perfect 4.0 grade point average;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, congratulates Kevin Reeves on receiving his Bachelor of Arts degree from Siena Heights University and his Associates Degree from Lansing Community College simultaneously. We wish him continued success and appreciate his dedication to the City of Lansing.

By Councilmember Quinney

Motion Carried

City Clerk Swope spoke about Kevin Reeves' hard work and dedication to the Clerk's office.

Kevin Reeves thanked the City Council, Mayor and City Clerk Swope for this honor and spoke about his academic career.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Wood announced the next Genesee Neighborhood Association meeting.

Councilmember Dunbar announced the next Concert in the Park event.

Councilmember Allen spoke about the Concert in the Park series.

Councilmember Dunbar announced the Clifford Park Neighborhood Association Picnic.

Council President Quinney wished Elizabeth Bright a happy birthday.

City Clerk Swope stated that absentee ballots have been sent out and that there is still time to request and receive absentee ballots. He

reminded citizens that next Tuesday is the deadline to register in order to vote in the August Primary election. He also stated that voters can check on his website to see if their ballots have been received in his office. He mentioned that the armory at 2500 S. Washington Ave. will be open next week to request and receive absentee ballots.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the upcoming Common Ground concert event and the 4th of July celebrations taking place this weekend in the City of Lansing.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Charles James of 3805 Colchester St. spoke about jobs for Combined Sewer Overflow (CSO) work.

John Pollard of 1718 Blair St. stated concerns with the Principal Shopping District assessment, the City Budget amendment, the Combined Sewer Overflow (CSO) amendment and the settlement with Arialink.

Catherine Mercer of 4530 Sycamore St., Holt, stated concerns with the Combined Sewer Overflow (CSO) amendment.

Christine Timmon of 2519 S. Washington Ave. spoke about various legislative matters.

Willy Williams of P.O. Box 11042 spoke about various legislative matters.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Marcus Brown of 121 & 119 E. Barnes St. spoke about zoning issues.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

Marguerita Rieger of 12718 S. Wacousta Rd., Eagle, spoke about a request from Fuentes, LLC to Transfer Ownership of a 2005 Class C Licensed Business with Dance Entertainment, Located in Escrow at 1138-40-42-1146 S. Washington Ave. from Cooper Corporation to Fuentes LLC; with license to remain in Escrow.

Bryan Decker of 543 E. Edgewood Blvd. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Jody Washington of 521 Nantucket Dr. spoke about various city matters.

Christine Timmon of 2519 S. Washington Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Rob Wilcox of 1104 Pershing Dr. spoke about various city matters.

Gracie Ansley of 2034 W. Lenawee St. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-223

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Gail Fournier of to a Second Ward position on the Human Relations and Community Service Board for a term to expire June 30, 2010; and

WHEREAS, the Committee on General Services met on June 22, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Gail Fournier of to a Second Ward position on the Human Relations and Community Service Board for a term to expire June 30, 2010.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-224

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the correction on the term expiration date for Chad Johnson on the Human Relations and Community Services Board from June 30, 2011 to June 30, 2013.

WHEREAS, the Committee Committee on General Services met on June 22, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the correction on the term expiration date for Chad Johnson on the Human Relations and Community Services Board from June 30, 2011 to June 30, 2013.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-225

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Maria Enriquez to an At Large position on the Memorial Review Board for a term to expire June 30, 2011; and

WHEREAS, the Committee on General Services met on June 22, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Maria Enriquez to an At Large position on the Memorial Review Board for a term to expire June 30, 2011.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-226

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Willie Davis to a First Ward position on the Memorial Review Board for a term to expire June 30, 2013; and

WHEREAS, the Committee on General Services met on June 22, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Willie Davis to a First Ward position on the Memorial Review Board for a term to expire June 30, 2013.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-227

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Angela Moore to an At Large position on the Memorial Review Board for a term to expire June 30, 2013; and

WHEREAS, the Committee on General Services met on June 22, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Angela Moore to an At Large position on the Memorial Review Board for a term to expire June 30, 2013.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-228

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Ida White to an At Large position on the Telecommunications and Cable Advisory Board for a term to expire June 30, 2013; and

WHEREAS, the Committee on General Services met on June 22, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Ida White to an At Large position on the Telecommunications and Cable Advisory Board for a term to

expire June 30, 2013.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-229

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Jim Fordyce to an At Large position on the Telecommunications and Cable Advisory Board for a term to expire June 30, 2013; and

WHEREAS, the Committee on General Services met on June 22, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms reappointment of Jim Fordyce to an At Large position on the Telecommunications and Cable Advisory Board for a term to expire June 30, 2013.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-230

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Gier Area Neighborhood Watch #158 has requested \$400 to defray costs associated with their 2nd Annual National Night Out, Lansing 150, and Family Event to be held on August 4, 2009; and

WHEREAS, the Committee on General Services met on Monday, June 22, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Use/Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Use/Promotion Account to Gier Area Neighborhood Watch #158 to defray costs associated with the 2nd Annual National Night Out, Lansing 150, and Family Event to be held on August 4, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$400 to the Council Community Use/Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Gier Area Neighborhood Watch #158 shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-231

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michigan Grocers Foundation, Inc. has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit

Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Michigan Grocers Foundation as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Linda M. Gobler, Michigan Grocers Foundation, Inc., 221 N. Walnut Street, Lansing, Michigan 48933.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-232

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The First Tee of Mid-Michigan has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes The First Tee of Mid-Michigan as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to The First Tee of Mid-Michigan of P.O. Box 10032 Lansing, Michigan 48910.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-233

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Women's Center of Greater Lansing, Inc. has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Women's Center of Greater Lansing as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Women's Center of Greater Lansing, Inc. of 1710-1712 E. Michigan Avenue Lansing, Michigan 48912.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-234

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Fuentes LLC to Transfer Ownership of a 2005 Class C Licensed Business with Dance Entertainment, Located in Escrow at 1138-40-42-1146 S. Washington Ave., Lansing, MI 489110, Ingham County, From Cooper Corporation to Fuentes LLC; with license to remain in Escrow; and

WHEREAS, the Committee on General Services met on Monday, June 22, 2009, to review the request and took affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Fuentes LLC to Transfer Ownership of a 2005 Class C Licensed Business with Dance Entertainment, Located in Escrow at 1138-40-42-1146 S. Washington Ave., Lansing, MI 489110, Ingham County, From Cooper Corporation to Fuentes LLC; with license to remain in Escrow;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-235

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, James and Amy Haley sought to eliminate special assessments of \$886 and \$65 for trash and debris and 2nd notice fee and all associated penalties and interest on the property tax bill of 1112 Eaton Ct., Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, June 22, 2009, to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by James and Amy Haley on special assessments of \$886 and \$65 for trash and debris and 2nd notice fee and all associated penalties and interest on the property tax bill of 1112 Eaton Ct., Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-236

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Paul Brown sought to eliminate special assessment of \$150.00 for tag monitoring fee and all associated penalties and interest on the property tax bill of 407 W. Oakland, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, June 22, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Paul Brown on a special assessment of \$150.00 for tag monitoring fee and all associated penalties and interest on the property tax bill of 407 W. Oakland, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-237

BY COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Paul Brown sought to eliminate special assessments of \$427.00, \$554.50, and \$378.30 for trash and debris and board-up and all associated penalties and interest on the property tax bill of 609 Helen, Lansing, Michigan; and

WHEREAS, the Committee on General Service met on Monday, June 22, 2009, to review the claims;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claims filed by Paul Brown on special assessments of \$554.50, and \$378.30 and grants the claim of \$427.00 and all associated penalties and interest on the property tax bill of 609 Helen, Lansing, Michigan;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-238

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing desires to encourage and support shopping and commercial activity in the Principal Shopping District area by public improvement to develop, redevelop, promote economic activity and provide for the maintenance, security and operation of the Principal Shopping District by such public improvement which especially benefits any property within a district; and

WHEREAS, the City of Lansing desires to encourage promotional efforts, business recruitment in all zones and physical improvements and maintenance services (in zone "A") of the Principal Shopping District; and

WHEREAS, the City of Lansing has determined that this should be provided through special assessment zones established for the purpose of financing Principal Shopping District activities; and

WHEREAS, the City of Lansing has determined that the cost of providing such services should be recovered by a special assessment against properties especially benefited as authorized by Act No. 120 of the Public Acts of 1961, as amended, and Chapters 812 and 1026 of the Lansing Code of Ordinances; and

WHEREAS, the City of Lansing has reviewed the proposed special assessment boundaries; and

WHEREAS, the City of Lansing has also reviewed the proposed services within the boundaries with an estimated cost of these services, and

WHEREAS, a public hearing was held on June 22, 2009 at 7:00 pm in the City Council Chamber, 10th Floor City Hall, Lansing, Michigan to consider the establishment of the Principal Shopping District special assessment roll; and

WHEREAS, that the City Clerk published notice of a hearing to confirm the special assessment roll in a newspaper of general circulation at least 10 (ten) days prior to the date of the hearing; and

WHEREAS, notice to the affected owners of the properties in said district was published in accordance with Chapter 1026 of the Lansing Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the special assessment zones for the Principal Shopping District are established by City Council as follows:

Principal Shopping District: Beginning at the intersection of West right-of-way line of S. Capitol Avenue and the north right-of-way line of W. St. Joseph Street, "Point of Beginning," North along S. Capitol Avenue right-of-way line to the center-line of W. Washtenaw Street, west along the centerline of W. Washtenaw Street to the center-line of Townsend Street, north along the center-line of Townsend Street to the center-line of W. Allegan Street, then east along the W. Allegan Street center-line to the center-line of S. Capitol Avenue, north along the S. Capitol Avenue center-line to the center-line of W. Saginaw Street; east along the W. Saginaw Street center-line to the west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the north right-of-way line of W. Grand River Avenue, east along the W. Grand River Avenue right-of-way line to the west right-of-way line of Turner Street, north along the Turner Street right-of-way line to the north right-of-way line of Clinton Street, east along Clinton Street right-of-way to the east right-of-way line of Center Street, south along the Center Street right-of-way line to the north right-of-way line of Liberty Street, east along the Liberty Street right-of-way line to the centerline of N. Cedar Street, south along the N. Cedar Street center-line to the south right-of-way line of East Grand River Avenue, east along the E. Grand River Avenue right-of-way line to the west right-of-way line of N. Larch Street, south along the N. Larch Street right-of-way line to the center-line of E. Shiawassee Street, east along the E. Shiawassee Street center-line to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the south right-of-way line of E. Michigan Avenue, west along the E. Michigan Avenue right-of-way to the east right-of-way line of S. Larch Street, south along the S. Larch Street right-of-way line to the center-line of E. Kalamazoo Street, then west along E. Kalamazoo Street center-line to the center-line of S. Larch Street, then south along the S. Larch Street center-line to the north right-of-way line of St. Joseph Street (extended), west along the St. Joseph Street right-of-way line (extended) to the Point of Beginning.

The Principal Shopping District, as described herein, shall contain zones as described below:

Zone A: Beginning at the intersection of the center-line of W. Shiawassee Street and the centerline of N. Capitol Avenue, the "Point of Beginning - A", east along the center-line of Shiawassee Street to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the center-line of E. Michigan Avenue, west along the center-line of E. Michigan Avenue to the center-line of S. Cedar Street, south along the S. Cedar Street center-line to the center-line of E. Kalamazoo Street, west along the E. Kalamazoo Street center-line to the center-line of Museum Drive, northwesterly along the center-line of Museum Drive to the north line of Impression Five Condominium (extended), west along the said north line of Impression Five Condominium (extended) to the center-line of the Grand River, southeasterly along the center of the Grand River to the center-line of E. Kalamazoo Street, continuing along the center-line of E. Kalamazoo Street to the center-line of Grand Avenue, south along the Grand Avenue center-line to the center-line of W. Lenawee Street, west along the W. Lenawee Street center-line to the west right-of-way line of S. Capitol Avenue, north along the west right-of-way line of S. Capitol Avenue to W. Washtenaw street, west along the centerline of W. Washtenaw Street to the centerline of Townsend Street, north along the centerline of Townsend Street to the centerline of W. Allegan Street, then east along the W. Allegan Street center-line of W. Allegan Street to the center-line of S. Capitol Avenue, north along the S. Capitol Avenue center-line to the Point of Beginning —A

Zone B: Beginning at the intersection of west right-of-way line of N. Washington Avenue and the north right-of-way line of W. Grand River Avenue, the "Point of Beginning -B," east along the W. Grand River right-of-way line to the west right-of-way line of Turner Street, north along the Turner Street right-of-way line to the north right-of-way line of Clinton Street, east along the Clinton Street right-of-way line to the east right-of-

way line of Center Street, south along the Center Street right-of-way line to the north right-of-way line of Liberty Street, east along the Liberty Street right-of-way line to the center, line of N. Cedar Street, south along the N. Cedar Street center-line to the centerline of E. Maple Street, west along E. Maple Street center-line (as aligned) to the west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the Point of Beginning —B.

Zone C -North: Beginning at the intersection of the center-line of N. Capitol Avenue and the center-line of W. Shiawassee Street, the "Point of Beginning -C (North)," north along the N. Capitol Avenue center-line to the center-line of W. Saginaw Street, east along the W. Saginaw Street center-line to west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the center-line of E. Maple Street, east along E. Maple Street (as aligned) center-line to the center-line of N. Cedar Street, north along the N. Cedar Street center-line to the south right-of-way line of E. Grand River Avenue, east along the E. Grand River Avenue right-of-way line to the west right-of-way line of N. Larch Street, south along the N. Larch Street right-of-way line to the center-line of E. Shiawassee Street, west along the E. Shiawassee Street Center-line to the Point of Beginning -C (North).

Zone C -South: Beginning at the intersection of the west right-of-way line of S. Capitol Avenue and the center-line of W. Lenawee Street, the "Point of Beginning -C (South)," east along the W. Lenawee Street center-line to the center-line of Grand Avenue, north along Grand Avenue centerline to the center-line of E. Kalamazoo Street, east along the Kalamazoo Street center-line to the center of the Grand River, northwesterly along the center-line of the Grand River to the north line of Impression Five Condominium (extended), east along the north line of Impression Five Condominium (extended) to the center-line of Museum Drive, southeasterly along the center-line of Museum Drive to the center-line of E. Kalamazoo Street, east along the Kalamazoo Street centerline to the center-line of S. Cedar Street, north along the Cedar Street center-line to the center-line of E. Michigan Avenue, east along the E. Michigan Avenue center-line to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the south right-of-way line of E. Michigan Avenue, then west along the E. Michigan Avenue right-of-way line to the east right-of-way line of S. Larch Street, south along the S. Larch Street right-of-way line to the center-line of E. Kalamazoo Street, west along the E. Kalamazoo Street center-line to the center-line of S. Larch Street, south along the S. Larch Street center-line to the north right-of-way line of St. Joseph Street (extended), west along the St. Joseph Street right-of-way line (extended) to the west right-of-way line of S. Capitol Avenue, then north along the S. Capitol Avenue right-of-way to the Point of Beginning -C (South).

BE IT FURTHER RESOLVED that the Principal Shopping District public improvements and services be supported by a special assessment of these costs against the properties especially benefited as follows:

ZONE A -13.2 cents per square foot for first floor and 6 cents per square foot for second floors and above, parking structures at the rate of 4.8 cents per square foot for the main floors and 2.4 cents per square foot for second floors and above, parking lots at 4.8 cents per square foot, vacant land at 1.2 cents per square foot, and industrial & manufacturing properties at 2.4 cents per square foot for the first floor and 1.2 cents per square foot for second floors and above; for a total of \$381,513.38.

ZONE B -9.2 cents per square foot for first floor and 3.45 cents per square foot for second floors and above, parking structures at the rate of 4.6 cents per square foot for the main floors and 2.3 cents per square foot for second floors and above, parking lots at 4.6 cents per square foot, vacant land at 1.15 cents per square foot, and industrial & manufacturing properties at 2.3 cents per square foot for the first floor and 1.15 cents per square foot for second floors and above; for a total of \$22,533.03.

ZONE C (North & South) -2 cents per square foot for first floor and 1 cent per square foot for second floors and above, parking structures at the rate of 2 cents per square foot for the main floors and 1 cent per square foot

for second floors and above, parking lots at 2 cents per square foot, vacant land at 1 cent per square foot, and industrial & manufacturing properties at 2 cents per square foot for the first floor and 1 cent per square foot for second floors and above; for a total of \$28,408.26.

BE IT FURTHER RESOLVED that the cost and expense of making estimates, plans and assessments incidental to the preparation of the assessment and the role, and providing notices shall be included in the expense of the assessment.

BE IT FURTHER RESOLVED that the Principal Shopping District public improvement and services be financed by a special assessment of these costs against the properties especially benefited as contained in the assessment Roll No. PSD09-A/PSD09B/PSD09-C, compiled by the City Assessor and presented to Council with this resolution.

BE IT FURTHER RESOLVED that in zones "A," "B," and "C" (North & South), all property owners whose assessment would otherwise exceed \$10,000.00 per one parcel, shall be capped at no more than \$10,000.00 per one parcel on an annual basis.

BE IT FURTHER RESOLVED that in zones "A," "B," and "C" (North & South), any property owned by a non-profit entity which has received a Federal IRS Section 501(c)(3) non-profit designation shall have their property assessment capped at 40% of the proposed assessment rate; provided that said entity shall file with the City Assessor, not later than August 10, 2009 a written application for non-profit Principal Shopping District designation, together with a copy of said determination of IRS Section 501 (c)(3) status.

BE IT FURTHER RESOLVED that Special Assessment roll Numbers PSD09-A/PSD09B/PSD09-C as presented and as returned by the City Assessor, is hereby, ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax.

BE IT FINALLY RESOLVED that if said payment is not received by October 30, 2009, said tax will be placed on the December tax roll without interest or penalty.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-239

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Department of Human Relations and Community Services (HRCS) submitted a grant application to the Department of Housing and Urban Development (HUD) under the 2008 Continuum of Care Homeless Assistance Supportive Housing Program Notice of Funding Availability (NOFA) application; and

WHEREAS, the HRCS applied for grant renewal funding for the following agencies: Advent House Ministries, Capital Area Community Services, Gateway Community Services, Greater Lansing Housing Coalition, Haven House, National Council on Alcoholism, and St. Vincent Catholic Charities for one-year renewal grants to support existing Supportive Housing Program initiatives; and

WHEREAS, the HRCS has received notice from HUD that renewal grants were awarded for a total amount of \$1,626,031; and

WHEREAS, the City of Lansing has received the grant agreements from HUD for all projects; and

WHEREAS, the sponsor agency shall be responsible for securing the required cash match requirements stipulated by HUD in receiving said grant;

NOW, THEREFORE, BE IT RESOLVED, the City of Lansing, Michigan, accepts the terms of the grant agreement as received from HUD and the City of Lansing does, hereby, specifically agree, but not by way of limitation, as follows:

1. That the administration is authorized to create appropriate accounts and transfer necessary funds to administer and monitor the grants and to appropriate such additional funds as shall be necessary to complete the project subject to the City Council transfer policies.
2. To maintain satisfactory financial accounts, documents, and records to make them available to HUD for auditing at reasonable times.
3. To implement the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreements.
4. To authorize the Mayor of the City of Lansing to be the local authorized representative to sign documents in behalf of the City of Lansing.
5. To comply with any and all terms of said HUD agreements, including all terms not specifically set forth in the foregoing portion of this resolution.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-240

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

\$ 8,595.00 from ES Grant (Hlth, Mntl Hlth)	101.833715.960264.0
\$ 17,501.00 from ES Grant (Child & Family)	101.833720.960264.0
\$ 69,676.00 from ES Grant (Emer. Services)	101.833730.960264.0
\$95,772.00 to Operating Transfer to ESG Fund	101.966000.991264.0

(City match transfer for the ESG-qualified programs, including National Council on Alcoholism \$8,595, Capital Area Community Services \$17,501, EVE Inc \$4,662, Haven House Operating \$11,361, Loaves and Fishes \$11,201, Advent House \$8,605, Ballentine Stepping Stones \$6,910, VOA Homeless Program \$19,636, and Gateway Community Services \$7,301. Conforms to the HUD federal funds entitlement budget as adopted by Council Resolution 119 [May 04, 2009] for the FY09 fiscal year.)

\$95,772.00 from Emergency Shelter Grant Estimated Revenue	264.000000.696101.02006
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\$95,772.00 to Emergency Shelter Grant Operations	264.932666.960264.02006
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(Appropriation of city match for the Emergency Shelter Grant program in the HUD federal funds entitlement budget, as adopted by Council Resolution 119 [May 04, 2009] for the FY07 fiscal year.)

By Councilmember Wood

Motion Carried

By Councilmember Wood

To reconsider the vote by which an affirmative roll was placed on the resolution

Motion Carried

By Councilmember Wood

To recuse Councilmember Jeffries for possible conflict of interest

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried (Councilmember Jeffries abstaining)

RESOLUTION #2009-241

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfer be approved:

211 Communications Fund (911)
County Reimbursement – Technical Equipment

\$22,330.00 from Ingham County Reimbursement	11.0.580001.0
\$22,330.00 to Technical Equipment Replacement	11.343230.977014.0

(To provide for the 100% County-paid CAD Upgrade of the Communications Center, as approved by the City Council in June 2008 but not carried forward to FY 09 budget authority.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-242

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

State/Federal Programs
911 Dispatcher Training – Public Act 32

\$26,767.00 from State Revenue	273.0.547000.14329
\$26,767.00 to Training – PA302	273.343230.747000.14329

(To provide for distribution of the first of calendar 2009 semiannual payments for the training of dispatchers in the 911 Communications Center of the Lansing Police Department.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-243

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

Police
Administration

\$3,120.00 from Donations Revenue	101.0.675012.0
\$3,120.00 to Problem-Solving Overtime	101.343201.708103.0

(To appropriate Ruth Hallman donations revenue to support Problem Solving Overtime efforts in the Lansing Police Department.)

By Councilmember Kaltenbach

To place an affirmative roll on the resolution

By Councilmember Jeffries

To recuse Councilmember Wood for possible conflict of interest

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried (Councilmember Wood abstaining)

RESOLUTION #2009-244

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

Police
Administration

\$1,500.00 from Donations Revenue	101.0.675000.0
\$500.00 from Donations Revenue	101.0.675000.0
\$2,000.00 to Donations/Contributions	101.343201.741880.0

(To appropriate donations revenue to underwrite the costs of safety-related merchandise, distributed by the Lansing Police Department during the forthcoming 2009 annual National Night Out event.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-245

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

General Fund
Police
Administration

\$9,000.00 from General Fund – Fund Balance	101.0.679100.0
\$30.00 from Donations for Neighborhood Cameras	101.0.675401.0
\$9,030.00 to Donations/Contributions	01.343201.741880.0

(To appropriate donations revenue from two corporate sponsors and one individual donor dedicated for the continuing support of the neighborhood camera systems program. The corporate donations revenues of \$9,000 were received in FY08 but lapsed to the general fund balance at the end of the FY08 fiscal year.)

Police
Radio Lab

\$9,030.00 from Donations/Contributions	01.343201.741880.0
\$9,030.00 to Radio Lab Miscellaneous Operating	01.343222.741000.0

(To transfer budget authority from reserved donations to the Police Department unit assigned with neighborhood camera lease obligations.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-246

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, certain adjustments are needed to close out the 2008/2009 fiscal year including allocation of the FY 2009 vacancy factor and cost reduction measures;

NOW, THEREFORE, BE IT RESOLVED that the following FY 2008/2009 year-end budget amendment be approved:

GENERAL FUND	Proposed Increase/ (Reduction)	Summary by Department
General Fund Revenues		
Revenue Sharing	\$ (570,000)	
Interest Revenue	(230,000)	
Use of Reserves	800,000	
	<u>\$0</u>	
General Fund Expenditures		
Cost Reduction Measures	\$ 3,350,000	
Vacancy Factor	1,400,000	\$ 4,750,000
City Council Personnel	(41,500)	(41,500)
City TV Personnel	(18,000)	(18,000)
Internal Audit Personnel	(1,500)	(1,500)
District Court Personnel	(319,000)	
District Court Operating	(34,500)	(353,500)
Circuit Court Rental	(45,000)	(45,000)
Mayor's Office Personnel	(4,000)	(4,000)
City Clerk Personnel	(46,700)	(46,700)
Planning & Neighborhood Development Personnel	(248,100)	(248,100)
Finance Personnel	(610,000)	
Finance Operating (Cable Franchise Negotiations)	50,000	(560,000)
Human Resources Personnel	(115,000)	(115,000)
City Attorney Operating	15,000	15,000
Police Personnel	(817,600)	
Police Operating	120,000	(697,600)
Fire Personnel	(630,000)	
Fire Operating	75,000	(555,000)
Public Service Personnel	(30,000)	
Public Service Operating	170,000	140,000
Human Relations & Community Services Personnel	(233,000)	
Human Relations & Community Services Operating	10,000	(223,000)
Parks & Recreation Personnel	(928,000)	
Parks & Recreation Operating (Southside Community Center)	(269,300)	(1,197,300)
Library Building Rental	6,500	6,500
Operating Transfer - Major Streets Fund	16,800	16,800
Operating Transfer - Local Streets Fund	(61,800)	(61,800)
Operating Transfer - Building Safety Fund	(82,000)	(82,000)
Operating Transfer - Grant Fund	73,500	73,500
Operating Transfer - Cemetery Fund	(90,000)	(90,000)
Operating Transfer - Fleet Fund	(170,000)	(170,000)
Operating Transfer - Capital Improvement Projects (CIP) Fund	(250,000)	(250,000)
Operating Transfer - Parks	(241,800)	(241,800)

Millage Fund

	\$ 0	\$ 0
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MAJOR STREETS FUND

Major Street Fund Revenues

Operating Transfer from the General Fund	\$ 16,800
	<u>\$ 16,800</u>

Major Street Fund Expenditures

Major Streets Personnel	\$ 30,060
Major Streets Operating	36,740
Major Streets Debt Service	(50,000)
	<u>\$ 16,800</u>

LOCAL STREETS FUND

Local Street Fund Revenues

Operating Transfer from the General Fund	\$ (61,800)
	<u>\$ (61,800)</u>

Local Street Fund Expenditures

Local Streets Personnel	\$ 45,090
Local Streets Operating	55,110
Local Streets Debt Service	(162,000)
	<u>\$ (61,800)</u>

BUILDING SAFETY FUND

Building Safety Fund Revenues

Operating Transfer from the General Fund	\$ (82,000)
	<u>\$ (82,000)</u>

Building Safety Fund Expenditures

Building Safety Fund Personnel	\$ (82,000)
	<u>\$ (82,000)</u>

STATE AND FEDERAL GRANTS FUND

State and Local Grants Fund Revenues

Operating Transfer from the General Fund	\$ 73,500
From/(To) Fund Balance	<u>\$ (73,500)</u>
	<u>\$ 0</u>

CEMETERIES FUND

Cemeteries Fund Revenues

Operating Transfer from the General Fund	\$ (90,000)
	<u>\$ (90,000)</u>

Cemeteries Fund Expenditures

Cemetery Fund Personnel	\$ (90,000)
	<u>\$ (90,000)</u>

FLEET FUND

Fleet Fund Revenues

Operating Transfer from the General Fund	\$ (170,000)
	<u>\$ (170,000)</u>

Fleet Fund Expenditures

Fleet Fund Personnel	\$ (170,000)
	<u>\$ (170,000)</u>

CAPITAL IMPROVEMENT PROJECTS (CIP) FUND

Capital Improvement Projects (CIP) Fund Revenue

Operating Transfer from the General Fund	\$ (250,000)
Stadium District Proceed Revenues (Ranney Park)	111,908
From Fund Balance - Ranney Park Revenues	55,000
	<u>\$ (83,092)</u>

Capital Improvement Projects (CIP) Fund Expenditures

Building Maintenance Projects (Fire Station #3 Repairs)	\$ (200,000)
Diamond Reo Project	(50,000)
Ranney Park Project (moved from Parks Millage Fund)	166,908
	<u>\$ (83,092)</u>

PARKS MILLAGE FUND

Parks Millage Fund Revenues

Interest Earnings	\$ 91,800
Operating Transfer from the General Fund	(241,800)
From/(To) Fund Balance (re-appropriated in FY10 adopted budget)	(166,908)
	<u>\$ (316,908)</u>

Parks Millage Fund Expenditures

Forestry Tree Inventory Project	\$ (150,000)
Ranney Park Project (moved to CIP fund)	(166,908)
	<u>\$ (316,908)</u>

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-247

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Combined Sewer Overflow Control Project Plan Amendment No. 4

WHEREAS, the City of Lansing prepared a Combined Sewer Overflow (CSO) Control Project Plan in April 1991 for an area which included the City of Lansing Sewer Service Area; and

WHEREAS, since the time of the adoption of the Project Plan the City has received twentytwo loans from the Michigan State Revolving Fund (SRF) Loan Program for the construction of segments of the CSO Control project; and

WHEREAS, as a requirement of the SRF Loan Program, the City of Lansing is required to update the Project Plan every five years and/or if changes are made to the Project Plan; and

WHEREAS, Project Plan Amendments 1, 2, and 3 were submitted in 1997, 2002, and 2007 respectively for the purpose of updating the program; and

WHEREAS, a fourth Project Plan Amendment was created to request the inclusion of select scheduled Improvements to the Lansing Wastewater Treatment Plant (WWTP) for consideration of SRF Funding; and

WHEREAS, these Improvements include the tertiary filter building structural repairs, replacement of tertiary filters and underdrains, and replacement of the North Plant Secondary Clarifiers 7 & 8; and

WHEREAS, the American Reinvestment and Recovery Act (ARRA) presents an opportunity for up to 40% of the SRF loan principal to be forgiven for projects requesting funding for FY 2010 first quarter or before;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council supports the CSO Project Plan Amendment No. 4, which includes a general progress update of the CSO Program and presents supplemental detail for the WWTP Improvements;

BE IT FINALLY RESOLVED that the City of Lansing pledges to support the financing of its local share of the costs required to implement the improvements associated with CSO project Plan Amendment #4.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-248

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a negotiated settlement proposal has been offered and received in the matter of *City of Lansing v Aerialink Telecom, LLC*, Ingham County Circuit Court File No. 09-63-CZ, and the proposed Settlement Agreement has been presented and reviewed with the City Council by the City Attorney; and

WHEREAS, outside counsel and Special Assistant City Attorney, John Pestle, of Varnum has recommended this settlement; and

WHEREAS, the City Attorney concurs in this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the City Council accepts and approves the Settlement Agreement of the aforementioned lawsuit.

BE IT FINALLY RESOLVED that the City Attorney and Administration are authorized to execute this Settlement Agreement, and to oversee fulfillment of the terms and conditions contained therein, including such

additional measures or filings are necessary to effectuate the settlement.

By Councilmember Jeffries

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE OF THE WHOLE

Confirmation of Appointment of Marilyn Plummer to the Board of Water and Light Board of Trustees for an At-Large Term to Expire June 30, 2013

By Councilmember Jeffries

To recommit this item

Motion Carried

RESOLUTION #2009-249

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Dennis Louney of 408 N. Clemens, Lansing, Michigan 48912 to the First Ward position on the Board of Water and Light Commissioners for a term to expire June 30, 2013; and

WHEREAS, the Committee of the Whole met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Dennis Louney of 408 N. Clemens, Lansing, Michigan 48912 to the First Ward position on the Board of Water and Light Commissioners for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-250

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of James Butler to the At Large position on the Lansing Entertainment and Public Facilities Authority for a term to expire June 30, 2010.

WHEREAS, the Committee met on June 29, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of James Butler to the At Large position on the Lansing Entertainment and Public Facilities Authority for a term to expire June 30, 2010.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-251

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Patrick Murray to the Fourth Ward position on the Park Board for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council,

hereby, confirms the reappointment of Patrick Murray to the Fourth Ward position on the Park Board for a term to expire June 30, 2012.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-252

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Ron Lott to the At Large position on the Park Board for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Ron Lott to the At Large position on the Park Board for a term to expire June 30, 2012.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-253

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Dusty Fancher to the First Ward position on the Park Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Dusty Fancher to the First Ward position on the Park Board for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-254

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Ronald Bloomberg to the Fourth Ward position on the Board of Public Service for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Ronald Bloomberg to the Fourth Ward position on the Board of Public Service for a term to expire June 30, 2012.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-255

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of James Marshall to the First Ward position on the Board of Public Service for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of James Marshall to the First Ward position on the Board of Public Service for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-256

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Jessica Yorko to the At Large position on the Board of Public Service for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Jessica to the At Large position on the Board of Public Service for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-257

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Farhat Bhatti as Resident on the Principal Shopping District Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Farhat Bhatti as Resident on the Principal Shopping District Board for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-258

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Terry Carella as the Business Owner Representative on the Principal Shopping District Board for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Services met on June 25, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Terry Carella as the Business Owner Representative on the Principal Shopping District Board for a term to expire June 30, 2013.

By Councilmember Jeffries

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the Denial of the following Applications based upon the recommendation of the Lansing Police Department and Lansing Treasury Department:
 - An Application for a Cabaret License filed by Srilaxmi Seri of Skylaness, located at 5141 S. Martin Luther King Blvd.
 - An Application for a Bowling Alley License filed by Srilaxmi Seri of Skylaness, located at 5141 S. Martin Luther King Blvd.
 - An Application for a Pool Room License filed by Srilaxmi Seri of Skylaness, located at 5141 S. Martin Luther King Blvd.
 - An Application for a Waste Hauler's License filed by Russell Katje of Republic Services located at 14800 P Drive North, Marshall, MI 49068.
 - An Application for a Transient Merchant License in the City filed by Lonnie Cox, located at 817 N. Clinton St #425, Grand Ledge, MI 48837

RECEIVED AND PLACED ON FILE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Transfer of Funds; Emergency Shelter Grant Programs

RECEIVED AND PLACED ON FILE

- ii. Lansing Tax Increment Finance Authority Bond Refunding to Reduce Annual Debt Service

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Lansing School District's 2009 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

- b. Letter from Comcast Cable providing notice of channel lineup changes effective July 19, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- c. Affidavit of Disclosure submitted by Chad Frazier of the Lansing Police Department

REFERRED TO THE BOARD OF ETHICS AND REFERRED TO THE CITY ATTORNEY

- d. Appeal of the Denial of a FOIA request submitted by Todd Heywood of 645 Fairview Ave.

RECEIVED AND PLACED ON FILE

- e. Letter from Fred Williams of 350 E. Gier St. regarding Common Ground

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Wood stated that City Hall will be closed this Friday in observance of the Independence Day holiday.

Council President Quinney stated that there will be no Committee of the Whole this Thursday.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the City Council for passing the Fiscal Year 2009 Year-End Budget Amendment, the CSO Project Plan Amendment #4 and the various transfers of funds and appointments to boards and authorities. He addressed comments made by a speaker tonight regarding zoning issues at the resident's home.

Councilmember Allen noted that the business portion of the meeting began at 8:35 p.m. and ended at 9:15 p.m.

ADJOURNED TIME 9:17 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 6, 2009**



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City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmembers Dunbar and Jeffries (Arrived at 7:04 p.m. and left at 8:11 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of June 29, 2009

Motion carried

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Wood spoke about the City's 4th of July parade.

Councilmember Hewitt asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to check into issues related to water backups at Bancroft Park.

Councilmember Allen announced the next Miller Road Neighborhood Association meeting.

Vice President Robinson announced the next 2nd Saturdays meeting for residents of the 3rd Ward.

Councilmember Jeffries arrived at the meeting at 7:04 p.m.

Vice President Robinson spoke about the Lansing Police Department's response to fireworks display complaints over the 4th of July holiday weekend. She announced the Arbors at Georgetown Family Day event. She asked Jerry Ambrose about Code Compliance's response to yard waste being put on curbs too early.

Councilmember Wood stated that she received several e-mails from citizens regarding complaints about illegal fireworks displays in the city over the 4th of July holiday weekend.

Councilmember Robinson stated that she would forward a letter to City Clerk Swope regarding fireworks to be included in next week's City

Council meeting packet.

Councilmember Jeffries asked Jerry Ambrose to look into an issue related to falling tree limbs at the intersection of Pleasant Grove Rd. and Mt. Hope Ave.

City Clerk Swope stated that the City Clerk's Election Unit at the former armory, 2500 S. Washington Ave., was open for citizens to request and receive absentee ballots. He stated that the back entrance should be used by the public. He also stated that tomorrow is the last day to register to vote for the August Primary Election. He reminded citizens that they could check the status of absentee ballots on his website.

Councilmember Hewitt asked Clerk Swope if Grand River School would be used as a polling location for the November General Election and Clerk Swope stated that he anticipates the use of the school for that election.

Councilmember Allen stated that the Miller Road neighborhood meeting will begin at 6:30 p.m. and not 7:00 p.m. as she previously stated.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the City of Lansing's 4th of July parade and related events, and thanked the sponsors. He stated that tonight kicks off this year's Common Ground festival. He spoke about the city retaining its credit rating. He thanked Art Van for donating mattresses and boxed spring sets to the Human Relations and Community Services Department to distribute to homeless citizens. He spoke about several items on tonight's agenda including board and authority appointments and the Motor Carrier Safety Act Ordinance.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of a Project Plan prepared by the Lansing Economic Development Corporation for - the Blue Coyote Brewing Company, LLC for property located at 113 Pere Marquette Dr.

Councilmember Jeffries gave a brief overview of the Public Hearing.

Stan Shuck of 818 Cooper Ave. spoke about the Blue Coyote Brewing Company, LLC.

Kathi Raffone of 1221 Muskegon Ave. stated concerns with the Blue Coyote Brewing Company, LLC. She also spoke about board appointments.

Harold King of 1563 N. High St. spoke in opposition to the Project Plan for

the Blue Coyote Brewing Company, LLC.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to the Project Plan for the Blue Coyote Brewing Company, LLC.

John Pollard of 1718 Blair St. spoke in opposition to the Project Plan for the Blue Coyote Brewing Company, LLC and in opposition to the Motor Carrier Safety Act Ordinance.

Willy Williams of P.O. Box 11042 spoke in support of the Project Plan for the Blue Coyote Brewing Company, LLC.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of a Project Plan prepared by the Lansing Economic Development Corporation for - the Blue Coyote Brewing Company, LLC for property located at 113 Pere Marquette Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Lorraine Couchman of 2704 Northwest Ave. spoke about illegal fireworks displays in the city.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Harold King of 1563 N. High St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-259

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

Application for a Public Display of Fireworks filed by Larry Holley of Night Magic Displays on behalf of Center Park Productions, to be held on July 11 2009.

By Councilmember Kaltenbach

Motion Carried

Councilmember Jeffries left the meeting at 8:11 p.m.

RESOLUTION #2009-260

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Josephine Washington of 521 Nantucket Drive, Lansing, Michigan 48906 to an At Large position on the Board of Fire Commissioners for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Josephine Washington of 521 Nantucket Drive, Lansing, Michigan 48906 to an At Large position on the Board of Fire Commissioners for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-261

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Walter Steele of 313 E. Edgewood Blvd. Apt. 7, Lansing, Michigan 48911 as the Citizen Representative on the Board of Plumbing for a term to expire June 30, 2011.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Walter Steele of 313 E. Edgewood Blvd. Apt. 7, Lansing, Michigan 48911 as the Citizen Representative on the Board of Plumbing for a term to expire June 30, 2011.

By Councilmember Allen

To place an affirmative roll on the resolution

By Councilmember Allen

To amend the resolution by striking both instances of "to the First Ward position"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Samara Washington of 2312 Bernard, Lansing, Michigan 48911 to an At Large position on the Traffic Board for a term to expire June 30, 2010.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Samara Washington of 2312 Bernard, Lansing, Michigan 48911 to an At Large position on the Traffic Board for a term to expire June 30, 2010.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-263

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Nancy Mahlow of 430 N. Fairview, Lansing, Michigan 48912 to an At Large position on the Traffic Board for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Nancy Mahlow of 430 N. Fairview, Lansing, Michigan 48912 to an At Large position on the Traffic Board for a term to expire June 30, 2012.

By Councilmember Allen

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-264 REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY met on July 1, 2009, and reviewed the proposed ordinance amendment to Part 4, "Traffic Code," Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act.

The Committee recommended passage of an ordinance amendment proposed amendment to Part 4, "Traffic Code," Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act and requested a list of written procedures for enforcement of the ordinance within thirty days of passage.

Signed: Sandy Allen, Chairperson
Carol Wood, Vice Chairperson
Eric Hewitt, Member

By Councilmember Allen

To Adopt this Committee Report

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Allen

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SAFETY

By Councilmember Allen

That:

An Ordinance of the City of Lansing, Michigan, to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SAFETY

By Councilmember Allen

That:

An Ordinance of the City of Lansing, Michigan, to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act be now passed.

YEAS: Councilmembers Allen, Hewitt, Kaltenbach, Quinney, Robinson and Wood

NAYS: None

ABSENT: Councilmembers Dunbar and Jeffries

By Councilmember Allen

That this Ordinance, being necessary for the immediate preservation of the public peace, health, or safety shall take effect upon its passage

Motion Carried

ORDINANCE #1143

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND PART 4, "TRAFFIC CODE," SECTION 11.4(8) TO ALIGN WEIGHT RESTRICTIONS WITH THOSE IN THE MICHIGAN MOTOR VEHICLE CODE AND ADD CHAPTER 13, WHICH ADOPTS BY REFERENCE THE MOTOR CARRIER SAFETY ACT.

THE CITY OF LANSING ORDAINS:

Section 1. That Part 4 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

Section 11.4. Size, weight and load.

(8) Wheel and axle loads.

(a) The maximum axle loads shall not exceed the number of pounds designated in the following provisions which prescribe the distance between axles:

(i) When the axle spacing is 9 feet or more between axles, the maximum axle load shall be 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(ii) When the axle spacing is less than 9 feet between 2 axles but more than three and one-half feet, the maximum axle load shall be 13,000 pounds for high pressure pneumatic or balloon tires.

(iii) When axles are spaced less than 3 1/2 feet apart, the maximum axle load shall be 9,000 pounds per axle.

(iv) Subdivisions 1, 2 and 3 shall be known as the normal loading maximum.

(b) When normal loading is in effect, the director of public service, with respect to streets under the city's jurisdiction, may designate certain streets or sections of streets where bridges and road surfaces are adequate for heavier loading, which designation may be revised as needed, on which the maximum tandem axle assembly loading shall be 16,000 pounds for any axle of the assembly IF THERE IS NO OTHER AXLE WITHIN 9 FEET OF ANY AXLE OF THE ASSEMBLY.

(c) On a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on such designated highways at the gross permissible weight of 16,000 pounds for a tandem axle IF THERE IS NO OTHER AXLE WITHIN 9 FEET OF ANY AXLE OF THE ASSEMBLY, and no other tandem axle assembly in such combination of vehicles shall exceed a gross weight of 13,000 pounds for a tandem axle. ~~When the maximum gross weight of a combination of vehicles with load does not exceed 72,200 pounds, 2 tandem axle assemblies shall be permitted on such designated highways at a gross permissible weight of 16,000 pounds for a tandem.~~ ON A COMBINATION OF TRUCK TRACTOR AND SEMITRAILER HAVING NOT MORE THAN 5 AXLES, 2 CONSECUTIVE TANDEM AXLE ASSEMBLIES SHALL BE PERMITTED ON THE DESIGNATED HIGHWAYS OR STREETS AT A GROSS PERMISSIBLE WEIGHT OF 16,000 POUNDS PER AXLE, IF THERE IS NO OTHER AXLE WITHIN 9 FEET OF ANY AXLE OF THE ASSEMBLY.

(d) The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall be 700 pounds per inch of width of tires.

(e) During the months of March, April and May in each year, the maximum axle loads allowable on all city streets, except those designated as class A all-weather truck routes, shall be reduced by 35 percent from the maximum axle loads specified in this chapter. The maximum wheel load shall be 450 pounds per inch of tire width on all city streets, except class A streets, during the period the seasonal road restrictions are in effect.

(f) The director of public service, with respect to city streets, may suspend the restrictions imposed by this section when and where, at his or her discretion, conditions of the streets or the public health, safety and welfare so warrant and may impose the restricted loading requirements of this section on designated streets at any other time that the conditions of the street may require.

(g) For the purpose of enforcement of this section, the gross vehicle weight of a single vehicle and load, or a combination of vehicles and loads, shall be determined by weighing individual axles or groups of axles and the total weight on all the axles shall be the gross vehicle weight.

(9) Weight of vehicles; officers authorized to order vehicles stopped.

(a) A police officer or a duly authorized agent of the city having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by means of either portable or stationary scales approved and sealed by the state department of agriculture as a legal weighing device and may require that the vehicle be driven to the nearest weighing scales for the purpose of allowing an officer or agent of the city to determine whether the conveyance is loaded in conformity with this section.

(b) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this section. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section, which are not paid in full immediately or for which a bond is not immediately posted

in double the amount of the civil fine and costs, shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and there keep the vehicle until the fine and costs are paid or sufficient bond furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the city. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and right to be heard on the merits are given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded, until trial on the merits is completed, under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care or preservation of the load, shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs, and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate shall certify such unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.

When the duly authorized agent of the city is performing his or her duties under this section, such agent shall have all the powers conferred upon peace officers by the general laws of this state.

(c) An owner of a vehicle or a lessee of the vehicle or an owner-operator, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates subsection (8) of this section, is responsible for a civil infraction and shall be assessed a civil fine in an amount equal to ~~3~~ 2-cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; ~~4-6~~ cents per pound of excess load when the excess is over 2,000 pounds BUT NOT OVER 3,000 POUNDS; ~~6-9~~ cents per pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; ~~eight~~ 12 cents per pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; ~~and 10-15~~ cents per pound of excess load when the excess is over 5,000 pounds BUT NOT OVER 10,000 POUNDS; AND 20 CENTS PER POUND FOR EACH POUND OF EXCESS LOAD WHEN THE EXCESS IS OVER 10,000 POUNDS. ~~However, the court shall have discretionary power as to the amount of the civil fine within the schedule provided in this subsection and may impose a civil fine not exceeding \$100.00 where, at the time of the violation, either the motor vehicle, the motor vehicle and semitrailer, or the trailer, did not exceed the total weight which would be lawful for each unit by a proper distribution of the load upon the various axles supporting each unit.~~

(d) HOWEVER, IF THE COURT DETERMINES THAT THE MOTOR VEHICLE OR THE COMBINATION OF VEHICLES WOULD BE LAWFUL BY A PROPER DISTRIBUTION OF THE LOAD UPON ALL OF THE AXLES OF THE VEHICLE OR THE COMBINATION OF VEHICLES, BUT THAT 1 OR MORE AXLES OF THE VEHICLE EXCEEDED THE MAXIMUM ALLOWABLE WEIGHT BY 4,000 POUNDS OR LESS, THE COURT SHALL IMPOSE A MISLOAD FEE OF \$200.00 PER AXLE. NOT MORE THAN 3 AXLES SHALL BE USED IN CALCULATING THE FINE TO BE IMPOSED UNDER THIS SECTION.

~~(e)-(f)~~ An agent or authorized representative of the city shall not stop a truck or vehicle in movement upon a road or highway within the city for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing and denoting the branch of government represented.

~~(e)-(f)~~ A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so by a police officer or duly authorized agent of the city authorized to require the driver to stop and submit to a

weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor.

(10) Special permits for excess size or weight of other nonconforming vehicles; concrete pipe.

(a) The director of public service, with respect to highways under the jurisdiction of the city, may, at his or her discretion, upon WRITTEN application and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this section, or otherwise not in conformity with this section, upon a street under the jurisdiction of the city granting the permit and for the maintenance of which the city is responsible.

(b) The application for a special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the permit to operate is required.

(c) The director of public service, as to city streets, may issue special permits authorizing the operation upon a street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks, on farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(d) A permit shall specify the trip or trips and the date or dates for which it is to be valid, and the authority granting the permit may restrict or prescribe conditions of operation of the vehicle or vehicles, when necessary to protect the safety of the public or to ensure against undue damage to road foundations, surfaces, structures or installations, and may require a reasonable inspection fee and other security as may be deemed necessary to compensate for damages caused by the movement.

(e) A permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of the authority granting the permit, and no person shall violate any of the terms or conditions of the special permit.

CHAPTER 13 MOTOR CARRIERS

SEC. 13.1 ADOPTION OF THE MOTOR CARRIER SAFETY ACT; PURPOSE.

(A) THE PURPOSE OF THIS CHAPTER IS TO PROMOTE SAFETY UPON THE PUBLIC HIGHWAYS BY REGULATING THE OPERATION OF CERTAIN VEHICLES, TO ESTABLISH THE QUALIFICATIONS OF PERSONS NECESSARY FOR THE SAFE OPERATIONS OF SUCH VEHICLES, TO LIMIT THE HOURS OF SERVICE OF PERSONS ENGAGED IN OPERATING SUCH VEHICLES, TO REQUIRE THE KEEPING OF RECORDS OF SUCH OPERATIONS, TO PROVIDE FOR THE ASSESSMENT OF FEES, AND TO PROVIDE PENALTIES FOR THE VIOLATIONS OF THIS CHAPTER. IN SO DOING, ACT NO. 181 OF THE PUBLIC ACTS OF 1963, BEING MCL 480.11 ET SEQ., AS AMENDED, AND NAMED THE MOTOR CARRIER SAFETY ACT (HEREIN REFERRED TO AS "THE ACT"), COPIES OF WHICH ARE AVAILABLE IN THE CITY CLERK'S OFFICE, IS ADOPTED BY REFERENCE, AS THOUGH SET FORTH HEREIN IN FULL.

SECTION 13.2 PENALTY.

(A) **MISDEMEANOR.** A VIOLATION OF ANY PROVISION SPECIFICALLY DESIGNATED AS A MISDEMEANOR IN THE ACT, AND INCORPORATED IN THIS CHAPTER BY REFERENCE, SHALL BE SUBJECT TO THE PENALTY PROVIDED WITHIN SECTION 202.99(B) OF THE LANSING CODIFIED ORDINANCES.

(B) **MUNICIPAL CIVIL INFRACTION.** UNLESS A VIOLATION OF A PROVISION OF THE ACT IS SPECIFICALLY DESIGNATED AS A MISDEMEANOR, THE VIOLATION OF THE PROVISION, AS

INCORPORATED IN THIS CHAPTER, SHALL CONSTITUTE A MUNICIPAL CIVIL INFRACTION AND SHALL BE SUBJECT TO A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS AS APPLICABLE, FOR EACH INFRACTION.

SECTION 13.3 ENFORCEMENT

(A) PURSUANT TO THE ACT, IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER ENFORCEMENT OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO THE MINIMUM TRAINING REQUIREMENTS, INCLUDING ANY ANNUAL TRAINING UPDATES, ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN OFFICER OF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. IF TRAINING IS PROVIDED FOR SPECIFIC CATEGORIES OF ENFORCEMENT, THE CHIEF OF POLICE MAY DETERMINE THE CATEGORIES OF ENFORCEMENT FOR WHICH TRAINING IS APPROPRIATE.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk:

- i. Submitting an Application for a Public Display of Fireworks filed by Larry Holley of Night Magic Displays on behalf of Center Park Productions, to be held on July 11, 2009

RECEIVED AND PLACED ON FILE

- ii. Providing notice of the Denial of an Application for a Cabaret License in the City filed by Chris Strange of The Firm Food and Spirits, LLC, located at 227 S. Washington Sq., based upon the recommendation of the Lansing Treasury Department

RECEIVED AND PLACED ON FILE

- iii. Providing notice of the Denial of an Application for a Cabaret License in the City filed by Michael Brogan of Brannigan Brothers Restaurant and Tavern, LLC located at 210 S Washington Sq., based upon the recommendation of the Lansing Treasury Department

RECEIVED AND PLACED ON FILE

- iv. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

i. Lansing Police Department 2008 Annual Report

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

ii. Request for Public Hearing regarding the Intent to Create the Saginaw Avenue Corridor Improvement Authority

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

a. Letter from the State of Michigan Department of Environmental Quality submitting a Land and Water Management Division application for alteration or occupation of a floodplain submitted by Thomas-Modern Companies, L.L.C for work at 2260 Tecumseh River Rd.

RECEIVED AND PLACED ON FILE

b. Letter from the Tri-County Office on Aging submitting a copy of its Area Plan Fiscal Years 2010-2012

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

c. Letter from Comcast Cable providing notice of channel lineup changes effective July 30, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

d. Substitute Application for Community Funding submitted by Potter-Walsh Neighborhood Association/Faith Fellowship Baptist Church for the Annual Potter-Walsh Neighborhood Children's Block Party to be held July 11, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

e. Letter of Resignation from the Memorial Review Board submitted by Delaney Newberry

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

f. Letter from Clara Heath of 6911 Cooper Rd. and Cooper Rd. residents requesting traffic calming on Cooper Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND REFERRED TO THE TRANSPORTATION DIVISION

g. Letter from Daniel Bradley of Vertical Properties, LC in support of SLU-4-2008; 5405 S. Martin Luther King, Jr. Blvd., Wireless Communication Tower in "A" Residential District

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Wood

To excuse Councilmember Dunbar from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach spoke about the number of illegal fireworks

display that occurred over the 4th of July holiday.

Council President Quinney stated that fireworks displays occurred citywide.

Councilmember Allen spoke about fireworks displays in her neighborhood.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that the Bancroft Park water issue that councilmember Hewitt raised earlier in tonight's meeting had been addressed at least a week and a half ago.

Councilmember Allen asked Jerry Ambrose to follow up on complaints received regarding maintenance of equipment at Washington Park.

ADJOURNED TIME 8:39 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 13, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Quinney, Robinson, Wood

ABSENT: Councilmembers Dunbar (Arrived at 7:10 p.m.) and Kaltenbach

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice President Robinson

To approve the printed Council Proceedings of July 6, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Jeffries; Letter from the Mayor re: Application for Industrial Facilities Tax Exemption Certificated filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Vice President Robinson announced the next Colonial Village neighborhood meeting and thanked the citizens who attended the recent 2nd Saturdays meeting for residents of the 3rd Ward.

Councilmember Wood announced that the next Colonial Village neighborhood meeting has been canceled.

Vice President Robinson announced that the next Lewton-Rich neighborhood meeting has been canceled.

Councilmember Hewitt thanked Lansing Police Officer Lindeman for his dedication to residents of the 1st Ward. He also congratulated Officer Lindeman on his promotion to Sergeant.

Vice President Robinson asked Mayor Bernero to have the Public Service Department replace missing sewer covers in the 3rd Ward. She also asked him to look into a matter regarding a student in a Parks and

Recreation program not accounted for during one of the program days.

Councilmember Dunbar arrived at the meeting at 7:10 p.m.

Council President Quinney thanked Eric Hart of the Lansing Entertainment and Public Facilities Authority and the Police and Fire departments for their work in making this year's Common Ground festival a safe and successful event.

City Clerk Swope stated that absentee ballots can be requested at the armory building at 2500 S. Washington Ave. as well as in his office in City Hall. He spoke about the Complete Streets initiative and the petitions that his office has received on which signatures must be verified. He stated that his office has 15 days to check all of the signatures and that once verified, the City Council must within 30 days either adopt the ordinance as submitted or direct its placement on the ballot in November.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero congratulated the Lansing Entertainment and Public Facilities Authority for this year's Common Ground festival. He spoke about the clean-up efforts at Discount Dave's and about General Motors leaving bankruptcy. He announced the next Concert in the Park and Blues on the square events. He spoke about the Police Department's response to a suspect during the Moores Park picnic event. He stated that Flag Month was in its final two days and he spoke about flag etiquette.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

William Hubbell of 3916 Wedgewood Blvd. stated concerns with Act-24-2008; Holmes Road and Waverly Road – Right of Way Acquisition.

Lynne Martinez of 306 Leslie St. spoke in support of Z-2-2009.

John Pollard of 1718 Blair St. spoke in support of Z-2-2009 and stated concerns with the Lansing Tax Increment Finance Authority Bond Refunding to Reduce Annual Debt Service.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Dennis Burdick of 518 N. Verlinden St. spoke about the City and State budgets.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

John Pollard of 1718 Blair St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-265

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

ACT-6-08 (Part A), Acquisition of Right of Way at the west terminus of W. Howe Street (including parts of parcels 33-01-01-04-155-001 and 33-01-01-04-155-011).

WHEREAS, the Public Service Department proposes to acquire two properties enable the separation of the sanitary sewer and storm systems, extension of these systems to the impacted properties and immediate vicinity, and construction of a cul-de-sac at the west end of W. Howe; and

WHEREAS, the Planning Board, at its regular meeting held on May 6, 2008, voted unanimously (6-0) to recommend approval of Act-6-08; and

City Council, by resolution #440 dated August 11, 2008, approved Act-6-08 (Part A), negotiations for two property acquisitions at the west terminus of W. Howe for the CSO Project, subject to final Council approval of each purchase; and

WHEREAS, environmental assessment of the properties was waived as the properties are currently being used as non-paved right-of-way in a residential neighborhood, and will now be used as paved right-of-way; and

WHEREAS, **Parcel 1** consists of an L shaped portion of the southeast corner of parcel 33-01-01-04-155-001, an industrial parcel owned by Nomen LLC, (taxpayer), whose address is 7211 Tyrrell Road, Laingsburg, MI 48848; and

WHEREAS, the Assessor's estimate of value for Parcel 1 is \$9,150.00; and

WHEREAS, **Parcel 2** consists of the north 25 ft. of parcel 33-01-01-04-155-011, and is owned and occupied by Hector and Guadalupe Arroyo, husband and wife, 639 W. Howe Avenue, Lansing, MI 48906; and

WHEREAS, the Assessor's estimate of value for Parcel 2 is \$1,600.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-6-08, the acquisition of property located at the west terminus of West Howe Street, Parcel 1, more particularly described as:

A parcel of land being part of the plat of Mayfield Farms Subdivision of a part of the South ½ of the South ½ of the Northwest ¼ of Section 4, Town 4 North, Range 2 West, Lansing Township, Ingham County, Michigan as recorded in Liber 6 of Plats on Page 49, Ingham County Records, being more particularly described as: Commencing at the West ¼ corner of said Section 4; thence East, 437.00 feet along the South line of said Mayfield Farms; thence Northerly, 330.00 feet along the East line of Lot 1 of said Mayfield Farms to the point of beginning of the following described parcel; thence West, 80.00 feet; thence North, 90.00 feet; thence East, 110.00 feet to the East line of Lot 1; thence South, 65.00 feet along said East line to the North line of Howe Street; thence West, 30.00 feet along said North line to the West line of Howe Street; thence South, 25.00 feet along said West line to the point of beginning.

by warranty deed, for the purchase price of Ten Thousand Dollars (\$10,000.00), including the relocation and installation of an existing chain link fence to the Seller's new property line, at no cost to Seller.

BE IT FURTHER RESOLVED, that the Lansing City Council hereby approves Act-6-08, the acquisition of property located at the west terminus of West Howe Street, Parcel 2, more particularly described as:

A parcel of land being the North 25.00 feet of the East 64.00 feet of the South 330.00 feet of Lot 1 of Mayfield Farms Subdivision of a part of the South ½ of the South ½ of the Northwest ¼ of Section 4, Town 4 North, Range 2 West, Lansing Township, Ingham County, Michigan as recorded in Liber 6 on Page 49 of Plats, Ingham County Records,

by warranty deed, for the purchase price of One Thousand, Six Hundred Dollars (\$1,600.00).

BE IT FINALLY RESOLVED that the Mayor is hereby authorized to sign and execute any and all documents necessary to complete this transaction, subject to prior approval as to form and content by the City Attorney.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009- 266

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

ACT-24-08, Acquisition of Right of Way at the Holmes & Waverly Roads intersection (including parts of parcels 33-01-01-31-101-001 and 33-01-01-31-101-011).

WHEREAS, the Public Service Department proposes to acquire part of two properties to accommodate a left turn lane on Waverly Road; and

WHEREAS, **Parcel 1** consists of an L-shaped 17-foot wide portion of the entire western and northern boundaries of parcel 33-01-01-31-101-001, a residential property owned and occupied by Mark Johnson (taxpayer), whose address is 3835 W. Holmes Road, Lansing, MI 48911; and

WHEREAS, the Assessor's estimate of value for Parcel 1 is \$5,358.00 (rounded); and

WHEREAS, **Parcel 2** consists of the west 17-feet of parcel 33-01-01-31-101-011, a residential property owned and occupied by Soonthone & Namvilay Thackthay, husband and wife, 3425 S. Waverly Road; and

WHEREAS, the Assessor's estimate of value for Parcel 2 is \$3,052.00 (rounded); and

WHEREAS, the Planning Board, at its meetings on February 3, 2009 and

July 7, 2009, voted unanimously (6-0 and 4-0, respectively) to recommend approval of Act-24-08; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

WHEREAS, environmental assessment of the properties is hereby waived as the properties are currently being used as right-of-way and residential property in a residential neighborhood, and will now be used as paved right-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-24-08, the acquisition of property located at the intersection of Holmes & Waverly Roads, Parcel 1, more particularly described as:

That part of the Northwest ¼ of Section 31, T4N, R2W, City of Lansing, Ingham County, Michigan, being more particularly described as: Beginning at the Northwest corner of said Section 31, thence East, 231.00-feet; thence South, 33.00-feet parallel with the West line of Section 31 to the Southerly right of way of Holmes Road; thence West, 158.00-feet along said right of way; thence S56°53'19"W, 27.46-feet; thence South, 216.00-feet parallel with said West line of Section 31; thence West, 50.00-feet to the West line of Section 31; thence North, 264.00-feet along said West line to the point of beginning, containing 19,345 square feet.

by warranty deed, for the purchase price of Eight Thousand Five Hundred Dollars (\$8,500.00), including completion of an ALTA Mortgage survey of owner's remaining property; waiver of any assessment charges if a sidewalk and/or non-motorized path is installed on the West side (Waverly Road) of the property as part of this project; payment for any damage incurred as part of this project; filing of a lot split application as part of this transaction so city assessment records will accurately reflect parcel size, at no cost to Seller.

BE IT FURTHER RESOLVED, that the Lansing City Council hereby approves Act-24-08, the acquisition of property located at the intersection of Holmes & Waverly Roads, Parcel 2, more particularly described as:

That part of the Northwest ¼ of Section 31, T4N, R2W, City of Lansing, Ingham County, Michigan being more particularly described as: Commencing at the Northwest corner of said Section 31, thence South, 264.00-feet along the West line of said Section 31 to the point of beginning of the following described parcel; thence East, 50.00-feet; thence South, 94.00-feet parallel with said West section line; thence West, 50.00-feet to the West line of Section 31; thence North, 94.00-feet along said West line to the point of beginning, containing 4700 square feet,

by warranty deed, for the purchase price of Two Thousand Five Hundred Dollars (\$2,500.00) including completion of an ALTA Mortgage survey of owner's remaining property; waiver of any assessment charges if a sidewalk and/or non-motorized path is installed on the West side (Waverly Road) of the property as part of this project; replacement of existing driveway approach with new concrete approach if it is disturbed as part of this project; installation of nine (9) new maximum 25-gallon container size cedar trees in Spring 2009 by the city's Parks & Recreation Department Forestry staff.

BE IT FINALLY RESOLVED that the Mayor is hereby authorized to sign and execute any and all documents necessary to complete this transaction, subject to prior approval as to form and content by the City Attorney.

By Councilmember Jeffries

To place an affirmative roll on the resolution

By Councilmember Jeffries

To amend the resolution by moving the final WHEREAS clause to appear before the NOW, THEREFORE, BE IT RESOLVED clause

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

RESOLUTION #2009-267

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing, hereby, sets a public hearing for Monday, August 3, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use, SLU-1-2009, 801 S. Holmes Street, Church in an "F" Commercial District.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-268

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Anthony Cox to an At Large position on the Planning Board for a term to expire June 30, 2011.

WHEREAS, the Committee on Development and Planning met on July 8, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Anthony Cox to an At Large position on the Planning Board for a term to expire June 30, 2011.

By Councilmember Jeffries

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

Confirmation of Appointment of Barry Wood to the Historic District Commission for an At-Large Term to Expire June 30, 2012

By Councilmember Jeffries

To recommit this item

Motion Carried

RESOLUTION #2009-269

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
City of Lansing
Counties of Ingham and Eaton, State of Michigan

RESOLUTION REGARDING REFUNDING OF
BUILDING AUTHORITY BONDS AND
TAX INCREMENT FINANCE AUTHORITY BONDS

A RESOLUTION TO:

- Request the City of Lansing Building Authority to issue refunding bonds in order to reduce annual debt service.
- Request the Lansing Tax Increment Finance Authority (TIFA) to issue refunding bonds in order to reduce annual debt service.
- Approve other matters related thereto.

PREAMBLE

WHEREAS, the City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City") has incorporated the City of Lansing Building Authority (the "Building Authority") under the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"); and

WHEREAS, the City has previously established the Tax Increment Finance Authority of Lansing (the "TIFA") under the provisions of Act 450, Public Acts of Michigan, 1980, as amended (the "TIFA Act"); and

WHEREAS, the Building Authority and the City entered into a Full Faith and Credit General Obligation Contract of Lease dated November 14, 1989 (the "1989 Contract") pursuant to which the Building Authority acquired, constructed, and equipped a project which was later modified by resolution of City Council to consist of several automobile parking lots, together with necessary and related appurtenances (the "Parking Facilities"), and the City makes Cash Rental payments (the "Cash Rentals") to the Building Authority for lease of the Parking Facilities pursuant to the 1989 Contract; and

WHEREAS, in anticipation of the Cash Rentals, in order to finance the acquisition, construction, and equipping of the Parking Facilities, the Building Authority issued its Building Authority Bonds, Series 1990 dated May 17, 1990 in the original aggregate principal amount of \$32,791,403.90 (the "1990 Bonds") and the outstanding portion of the 1990 Bonds are capital appreciation bonds; and

WHEREAS, the City has been paying the Cash Rentals from contract payments which the City receives from the TIFA under a Contract of Lease between the City and the TIFA dated December 20, 1994 (the "TIFA Lease"); and

WHEREAS, the TIFA has made its contract payments to the City under the TIFA Lease from Tax Increment Revenues (the "Tax Increment Revenues") derived from the TIFA's Tax Increment Finance District (the "Tax Increment Finance District") described in the TIFA's Third Amended Development Plan and Tax Increment Financing Plan for the Phase III Lansing Convention / Exhibition Center and Associated Facilities and Parking System Project; and

WHEREAS, buildings located in the Tax Increment Finance District which had been privately owned have been acquired by state government, thereby reducing the taxable value of the Tax Increment Finance District and reducing the Tax Increment Revenues available to the TIFA for making contract payments to the City under the TIFA Lease; and

WHEREAS, the City and the TIFA propose to amend the TIFA Lease by extending the payment schedule and reducing annual contract payments in order to better match the payments to be made by the TIFA to the substantially reduced estimated annual Tax Increment Revenues; and

WHEREAS, the Building Authority proposes to amend the 1989 Contract for the purpose of better matching the annual Cash Rental payments paid by the City to the payments which the City will receive from the TIFA under the TIFA Lease; and

WHEREAS, in order to reduce the annual Cash Rental payments and still pay the annual debt service payments on the 1990 Bonds, the Building Authority must refund the 1990 Bonds, and so proposes to issue its 2009 Building Authority Refunding Bonds (Limited Tax General Obligation)

(Federally Taxable) in an original aggregate principal amount currently estimated not-to-exceed \$10,000,000 (the "Building Authority Refunding Bonds"); and

WHEREAS, Act 31 was amended by Act 452, Public Acts of Michigan, 2008, to authorize a building authority to issue bonds for the purpose of defraying all or part of the cost of refunding capital appreciation bonds originally issued on May 17, 1990, in anticipation of the contract obligations of the incorporating unit to make cash rental payments to the Building Authority under a full faith and credit general obligation contract of lease dated November 14, 1989, which refunding bonds may be payable through 2039; and

WHEREAS, the City has been advised that the refunding of the 1990 Bonds through issuance of the Building Authority Refunding Bonds will not result in net present value savings; and

WHEREAS, the TIFA has previously issued its 1994 Development and Refunding Bond (Limited Tax General Obligation) in the original aggregate principal amount of \$25,108,133.20 (the "1994 Bond") pursuant to the provisions of Act 450, Public Acts of Michigan, 1980, as amended (the "TIFA Act"); and

WHEREAS, the primary security pledged for payment of the principal of and interest on the 1994 Bond is the Tax Increment Revenues; and

WHEREAS, the TIFA proposes to refund the 1994 Bond through issuance of 2009 Refunding Bonds (Limited Tax General Obligation) (Federally Taxable) in an original aggregate principal amount currently estimated not-to-exceed \$10,500,000 (the "TIFA Refunding Bonds") in order to better match the TIFA's annual debt service costs to the reduced estimated annual Tax Increment Revenues; and

WHEREAS, the TIFA Act was amended by Act 453, Public Acts of Michigan, 2008, to permit a TIFA to issue a qualified refunding obligation under the TIFA Act if the TIFA refunds a bond, such as the 1994 Bond, which is refunding bond that is an other protected obligation issued as a capital appreciation bond delivered to the Michigan Municipal Bond Authority on December 21, 1994; and

WHEREAS, the City has been advised that the refunding of the 1994 Bond through issuance of the TIFA Refunding Bonds will not result in a net present value savings; and

WHEREAS, the TIFA has been using Tax Increment Revenues to make lease payments to the City under a Contract of Lease dated December 20, 1994 (the "1994 Contract") pursuant to which the TIFA leases a parking project from the City; and

WHEREAS, the City and the TIFA propose to amend the 1994 Contract by extending the payment schedule and reducing annual contract payments in order to better match the payments to be made by the TIFA to the substantially reduced estimated annual Tax Increment Revenues; and

WHEREAS, the TIFA Act was amended by Act 453, Public Acts of Michigan, 2008, to permit the 1994 Contract to be included within the definition of Other Protected Obligation after amendment under certain circumstances.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Building Authority Refunding Bonds. The City hereby requests the Building Authority to issue the Building Authority Refunding Bonds for the purposes described in the preamble of this resolution. City Council acknowledges that the issuance of the Building Authority Refunding Bonds will increase the number of years that the Cash Rentals will be

payable by the City for lease of the Parking Facilities under the 1989 Contract, and hereby approves reduction of the current annual Cash Rentals payable by the City for lease of the Facilities if the Building Authority Refunding Bonds are issued. The City acknowledges that the underwriter of the Building Authority Refunding Bonds has advised that under current market conditions, the refunding will produce preliminary estimated net present value dis-savings as shown in the Authority's resolution authorizing the Building Authority Refunding Bonds.

The City covenants and agrees to continue to make payments to the Building Authority, in accordance with the requirements of the 1989 Contract, of Cash Rentals in amounts sufficient to pay the principal of and interest on the Building Authority Refunding Bonds and any of the 1990 Bonds which are not refunded and remain outstanding, and to pay all transfer and escrow agent fees and other expenses and charges payable with respect thereto. The City acknowledges and agrees that the Building Authority shall have all rights and remedies set forth in the 1989 Contract to enforce the obligations of the City with respect to the Building Authority Refunding Bonds in the same manner and to the same extent that such rights and remedies were available with respect to the 1990 Bonds.

The City specifically (but not by way of limitation) reaffirms its pledge of its full faith and credit for the payment of its obligations with respect to the bonds issued under the 1989 Contract, including the Building Authority Refunding Bonds, and reaffirms the City's obligation to levy taxes to pay Cash Rentals under the 1989 Contract in amounts sufficient to enable the Building Authority to pay the principal of and interest on the bonds issued under the 1989 Contract, including the Building Authority Refunding Bonds. The Mayor and the City Clerk are hereby authorized to execute and deliver any necessary amendments or supplements to the 1989 Contract.

The City hereby agrees to co-operate with the Building Authority in preparation of preliminary and final official statements describing the Building Authority Refunding Bonds, and in any application for bond ratings and municipal bond insurance. The City hereby agrees to enter into a Continuing Disclosure Undertaking Agreement in order to enable the underwriters of the Building Authority Refunding Bonds to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

2. TIFA Refunding Bonds. The City hereby irrevocably pledges its full faith and credit for the payment of the TIFA Refunding Bonds. If at any time the Tax Increment Revenues are insufficient to pay the principal of and interest on the Bonds as the same become due, the City, upon notification by the TIFA, shall as a first budget obligation advance from its general funds an amount to pay said principal and interest, or in the event of insufficiency of the City's general funds, levy ad valorem taxes on all taxable property within the boundaries of the City in an amount to pay said principal and interest, provided that such tax levy shall be within applicable constitutional, statutory and charter tax rate limitations.

The City acknowledges that the issuance of the TIFA Refunding Bonds will increase the number of years that the TIFA will collect Tax Increment Revenues for payment of the debt issued to finance the project financed or re-financed with proceeds of the 1994 Bond. The City acknowledges that the underwriter of the TIFA Refunding Bonds has advised that under current market conditions, the refunding will produce preliminary estimated net present value dis-savings as shown in the resolution of the TIFA authorizing the TIFA Refunding Bonds.

The City hereby agrees to co-operate with the TIFA in preparation of preliminary and final official statements describing the TIFA Refunding Bonds, and in any application for bond ratings and municipal bond insurance. The City hereby agrees to enter into a Continuing Disclosure Undertaking Agreement in order to enable the underwriters of the TIFA Refunding Bonds to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

3. Amendment to 1994 Contract. The Amendment to the Contract of Lease dated December 20, 1994 presented with this resolution, which will increase the number of years that the TIFA will lease the facilities from the City, is hereby approved. The Mayor and City Clerk are authorized and directed to execute the Amendment to the Contract for and on behalf of the City in substantially the form presented herewith with such additions or deletions as they shall, in consultation with counsel, determine to be appropriate.

4. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan, at a _____ meeting held on _____, 2009, at _____ o'clock _____ m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

If the above meeting was a Special meeting, I further certify that notice of said Special meeting was given to each member of the Council in accordance with the rules of procedure of the Council.

I further certify that the following Members were present at said meeting:

_____ and _____ that _____ the following Members were absent: _____

I further certify that Member _____ moved for adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution: _____ and _____

that the following Members voted against adoption of said resolution: _____

City Clerk

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-270

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Marilyn Plummer of 3601 Lucie, Lansing, Michigan 48911 to an At-Large position on the Board of Water and Light for a term to expire June 30, 2013; and

WHEREAS, the Committee of the Whole met on July 9, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Marilyn Plummer of 3601 Lucie, Lansing, Michigan 48911 to an At-Large position on the Board of Water and Light for a term to expire June 30, 2013.

By Councilmember Robinson

Motion Carried

Clerk Swope administered the Oath of Office to Ms. Plummer.

RESOLUTION #2009-271

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Luke Canfora to an At-Large position on the Park Board for a term to expire June 30, 2013.

WHEREAS, the Committee of the Whole met on July 9, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Luke Canfora to an At-Large position on the Park Board for a term to expire June 30, 2013.

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-272

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the Mayoral appointment of Todd Regis to an At-Large position on the Potter Park Zoo Board for a term to expire December 31, 2011; and

WHEREAS, the Committee of the Whole met on July 9, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the Mayoral appointment of Todd Regis to an At-Large position on the Potter Park Zoo Board for a term to expire December 31, 2011.

By Councilmember Robinson

Motion Carried

Clerk Swope administered the Oath of Office to Mr. Regis.

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-273

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING met on July 8, 2009, and reviewed the proposed ordinance providing for the rezoning of a parcel of real property located in the city of Lansing, Michigan and for the revision of the District Maps adopted by Section 1246.02 of the Code of Ordinances.

The Committee recommended passage of an ordinance providing for the rezoning of a parcel of real property located in the city of Lansing, Michigan and for the revision of the District Maps adopted by Section 1246.02 of the Code of Ordinances.

Signed: Brian Jeffries, Chairperson

Sandy Allen, Vice Chairperson

Derrick Quinney, Member

By Councilmember Jeffries

To receive this committee report

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Jeffries

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Jeffries

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-2-2009; 600 W. Maple St., be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Jeffries

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-2-2009; 600 W. Maple St., be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Quinney, Robinson and Wood

NAY: None

ABSENT: Councilmember Kaltenbach

ORDINANCE #2543

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number:	Z-2-2009
Address:	600 W. Maple Street
Parcel Number:	PPN: 33-01-01-08-427-051
Legal Descriptions:	Part of the SW 1/4 of Sec. 9, T4N-R2W, City of Lansing, Ingham Co. MI and part of Lots 1, 2 & 3 of Block 27 of the "Map of the Subdivision of Blocks 26 & 27 in Town of MI", more particularly described as beginning at a M.A.G. nail at the intersection of the W line of Pine St. (82.5') and the S line of W. Willow St. (variable width), said point also being the NE Corner of Lot 1, Block 26, thence S01°45'54" W, 510' along the W line of Pine St. for a place of beginning; thence S01°45'54"W, 360' along the W line of

Pine St. to the N line of Maple St. (82.5') and the S line of Lot 3, Block 27 of said plat; thence N88°07'17"W. 240' along the N line of Maple St. and the S line of Lot 3, Block 27 of said plat; thence N01°45'54"E, 360'; thence S88°07'17"E, 240.00 feet to the point of beginning. Containing 1.98 acres +/-, City of Lansing, Ingham Co., MI, from "B" Residential District to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on July 13, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk:

- i. Providing notice of the Denial of an Application for a Canvasser's License in the City based upon the recommendation of the Lansing Treasury Department filed by:
 1. Evan Mitchell of Aurora Home Funding dba Pinnacle Exterior Remodeling, located at 3351 Remy Dr.

RECEIVED AND PLACED ON FILE

2. Michael McVay of Aurora Home Funding dba Pinnacle Exterior Remodeling, located at 3351 Remy Dr.

RECEIVED AND PLACED ON FILE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. Z-1-2009; 1141 N. Pine Street, Planning Board recommendations regarding a request from the Ingham County Land Bank to rezone the property located at 1141 N. Pine St. from "B" Residential District to "D-1" Professional Office District to permit the building at this location to be used for professional and business offices

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Z-3-2009; 1114 W. Ionia St., Planning Board recommendations regarding a request from Rickey Cotton to rezone the property located at 1114 W. Ionia Street from "B" Residential District to "C" Residential District to permit the building at this location to be used for a duplex

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Application for Industrial Facilities Tax Exemption Certificate submitted by Demmer Corporation for property located 705 E. Oakland Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Transfer of Funds; Police Administration, CARE Program and Problem-Solving Overtime

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- v. ACT-24-08— Acquisition of Right of Way at the Southeast Corner of Holmes and Waverly Roads

RECEIVED AND PLACED ON FILE

- vi. ACT-6-08 (Part A) — Acquisition of Right of Way at the West Terminus of W. Howe St.

RECEIVED AND PLACED ON FILE

- vii. Application for Industrial Facilities Tax Exemption Certificated filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

*SUSPENSION ITEM – REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Public Service Commission providing Notice of Opportunity to Comment or Request a Hearing regarding Consumers Energy Company's Application requesting approval of the reconciliation of Consumers Energy's Electric Choice Incentive Mechanism (ECIM) for the period June 20, 2008 through December 31, 2008

RECEIVED AND PLACED ON FILE

- b. Letter from the Treasurer of Lansing Sesquicentennial Foundation, Timothy Adams, submitting its monthly report of expenditures for June 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- c. Letter from G2 Consulting Group, LLC inviting comments regarding SLU-4-2008; 5405 S. Martin Luther King, Jr. Blvd., Wireless Communication Tower in "A" Residential District

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Community Funding Reporting Statement filed by Churchill Downs Community Association for its Wainwright Carnival Picnic held June 20, 2008

RECEIVED AND PLACED ON FILE

- e. Letters regarding alleged illegal fireworks displays/sales in the City of Lansing submitted by:

- i. Melissa Cappel-Iverson and Brian Iverson of 1123 W. Allegan St.

RECEIVED AND PLACED ON FILE

- ii. Barry Henderson of 5545 W. Michigan Ave., Delta Township

RECEIVED AND PLACED ON FILE

- iii. Wes Thorpe of 3016 S. Deerfield Ave.

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Robinson

To excuse Councilmember Kaltenbach from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Wood addressed comments made by a speaker tonight regarding a sound wall and General Motors.

Councilmember Dunbar commented on the behavior of speakers at the podium tonight.

Councilmember Robinson addressed comments made by a speaker tonight regarding a letter in support of a street name change for Malcolm X. She also spoke about the public comment portion of the meeting and possible changes to that portion of City Council meetings.

Councilmember Jeffries requested that Mayoral referrals v. and vi. be received and placed on file, since they were acted upon tonight.

Councilmember Dunbar spoke about City Council meetings being business meetings.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Mayor Bernero announced the next Mobile Food pantry event.

Councilmember Jeffries commented on how much he liked Mayor Bernero's mailbox.

ADJOURNED TIME 8:36 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 20, 2009**



206

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Kaltenbach, Quinney

ABSENT: Councilmembers Dunbar (Arrived at 7:03 p.m.), Robinson and Wood

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of July 13, 2009

Motion carried

SPECIAL CEREMONIES

• Special Ceremonies

Councilmember Dunbar arrived at the meeting at 7:03 p.m.

1. Tribute; Declaring Tuesday, July 21, 2009 Edelmira Lopez Day in honor of her dedication to the Lansing community

Councilmember Hewitt spoke about Edelmira Lopez' contributions to her community.

City Clerk Swope read the following Resolution:

RESOLUTION #2009-274

BY COUNCILMEMBER ERIC HEWITT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Edelmira "Delma" Lopez, her husband Eleuterio, and their first born son moved to Lansing, Michigan from Texas in 1946; and

WHEREAS, the family settled in north Lansing raising seven children, all of whom graduated from the Lansing School District, many continuing their education at both Lansing Community College and Michigan State University; and

WHEREAS, Delma served the Lansing community through various community boards, was an active member of the Lansing area Mexican Patriotic Committee, and worked with several Mayor's as an advisor and representative of Latino issues; and

WHEREAS, as a founding member of the Cristo Rey Church and Community Center, Delma served as the Board President for over twenty years; and

WHEREAS, Delma's dedication to the community provided inspiration to her family to become involved in the community, and as a result, the

Lopez family was deeply involved in the Cristo Rey Church and Community Center, organizing the annual fundraiser "Holiday in Mexico" and singing with the Church Choir; and

WHEREAS, Delma and Eleuterio were activists within the Latino community and worked diligently with Cesar Chavez and the United Farm Workers, occasionally traveling to Washington D.C. to testify in congressional hearings; and

WHEREAS, when Mr. Chavez visited Lansing, he enjoyed spending time with the Lopez family, eating homemade meals prepared by Delma; and

WHEREAS, Delma served on the Lansing Housing Commission as President for over 25 years and in 2004 received the YWCA's Diana Award for her service to the community; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, declares Tuesday, July 21, 2009, Edelmira Lopez Day. We sincerely thank you for your contributions to the Lansing community and its residents.

By Councilmember Hewitt

Motion Carried

Edelmira Lopez thanked Councilmember Hewitt and the City Council for this honor and stated that she was quite surprised to receive this recognition.

Lorenzo Lopez stated that his mother was a pioneer and an example to all of Lansing. He spoke about his mother encouraging all to participate in democracy by voting and he spoke about family respect.

CONSIDERATION OF LATE ITEMS

By Councilmember Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Jeffries; Special Ceremony - Mayoral Welcome of Teachers and Students from Lansing's Sister City, Asan, South Korea

The City Council returned to the order of:

SPECIAL CEREMONIES

2. Mayoral Presentation; Welcome of Teachers and Students from Lansing's Sister City, Asan, South Korea

Mayor Bernero spoke about Asan, South Korea and the Sister Cities program.

Barbara Roberts Mason thanked Mayor Bernero and the City Council for support of this program. She stated that the students present were exhausted from their trip.

Sergio Keck of the Lansing School District thanked the Mayor and the

City Council for support of this program. He spoke about the many aspects of the program.

Nancy R. spoke about the activities the visitors would partake in while here in Lansing.

Barbara Roberts Mason introduced the teachers of Asan, South Korea students present.

A teacher thanked everyone for the hospitality the group has received in Lansing and stated what a wonderful city Lansing has been and continues to be. She invited everyone to visit South Korea.

Barbara Roberts Mason stated that the program relies on donations and she spoke about the website where donations can be made.

Mayor Bernero recognized Martha Fujita and all of her work at Lansing Sister Cities.

Council President Quinney welcomed the visitors on behalf of the City Council and thanked them for helping to bridge cultural gaps.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Allen announced the next Old Everett neighborhood meeting. She asked Mayor Bernero if the decibel levels at Common Ground have ever been measured and he stated that he is unaware if that has ever been done.

Council President Quinney thanked Mayor Bernero and the Public Service Department for paving Washington Avenue between St. Joseph St. and Kalamazoo St. He wished happy birthdays to Milton Jones and to his wife Desiree Quinney.

City Clerk Swope stated that there is still time to request and receive absentee ballots. He reminded voters that the polls will be open from 7:00 a.m. to 8:00 p.m. on Tuesday, August 4, 2009 for the City Primary Election. He announced that the public test of the election will take place this Friday at 2:00 p.m.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero stated that cleanup efforts have begun at the former Discount Dave's site. He spoke about the recent Mobile Food Pantry event and spoke about the picnics he recently attended, including Beck Park where Girl Scouts were cleaning up the park. He announced the next City Hall on the Road, Blues on the Square, concert in the Park and the Westside Summerfest events. He stated that Lansing's Westside Neighborhood received a Michigan Mainstreet Designation.

Councilmember Allen asked Mayor Bernero about the possibility of a Food Bank program involving donations at local grocery stores. She stated that she was delighted with the Beck Park cleanup.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included no public hearings.

There were no speakers for Legislative Matters.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Loretta Stanaway of 546 Armstrong Road spoke about various city matters.

Queen Darlene Rhodes of 1200 Parkview St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Harold King of 1563 N. High St. spoke about various city matters.

Jim Currin of 6000 Orchard Ct. spoke about various city matters.

Richard Clement of P.O. Box 26123 spoke about various city matters.

Daniel Henderson of 3011 W. Willow St. spoke about an upcoming religious event.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Bonnie Eastman of 1901 Vermont Ave. spoke about Riverfront Apartments.

Dennis Burdick of 518 N. Verlinden St. spoke about the city's taxes and budget.

Paula Hubbert of 2205 Beal Ave. spoke about surveillance cameras.

Walter Brown of 1310 Knollwood Ave. spoke about surveillance cameras.

William Hubbell of 3916 Wedgewood Dr. spoke about city intersections and elections.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Norris Gibson of 110 W. Willow St. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Rescind NEZ Certificate # N2002-469 Due to Non-Homeowner Occupancy, Cynthia Dennis

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Rescind NEZ Certificate # N2001-019 Due to Non-Homeowner Occupancy, Jean-Philippe N. Peltier

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Rescind NEZ Certificate # N2000-152 Due to Non-Homeowner Occupancy, R. Sorum/R. Barnes

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Rescind NEZ Certificate # 98-083 Due to Nonpayment of Delinquent Property Tax, Timothy Gleason

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Rescind NEZ Certificate #N2007-0580 Due to Nonpayment of Delinquent Property Tax, K. Koerster/N. Patterson

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Rescind NEZ Certificate #N2001-056 Due to Nonpayment of Delinquent Property Tax, Ira Jacobs

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vii. Rescind NEZ Certificate #N2001-061 Due to Nonpayment of Delinquent Property Tax, Ryan Lowe

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- viii. ACT-7-08—Owens Street, West of Comfort Street, Vacate

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ix. Approving Acceptance of Multi-agency Recovery Justice Assistance Grant (JAG) for Grant Period Beginning July 2009 and Ending June 2013

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

There were no communications.

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmembers Robinson and Allen from tonight's meeting

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Jeffries left the meeting.

Councilmember Dunbar addressed comments made by a speaker tonight regarding research she conducted on other municipalities' council meetings. She spoke about the use of computers at City Council meetings by Councilmembers.

Councilmember Kaltenbach spoke about allocations for computers.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Mayor Bernero addressed comments made by a speaker tonight regarding possibly bad produce at the recent Mobile Food Pantry and apologized to anyone who received bad food.

Councilmember Dunbar spoke about the South Lansing Community and Allen St. farmers markets.

ADJOURNED TIME 8:50 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 27, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmember Robinson

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of July 20, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Councilmember Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Kaltenbach; Recognition of Non-Profit Status in the City of Lansing to Fantasia Ballet Folklorico located at 4922 S. Pennsylvania Ave.

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Neighborhood Hero Award to Zar-eah Roper and family

Councilmember Hewitt spoke about acts of kindness and common sense. He stated that Zar-eah Roper acted with common sense to help her friend when he was in need.

City Clerk Swope read the following resolution:

RESOLUTION #2009-275

BY COUNCILMEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, when eight year old Zar-eah Roper recognized young Trenten Davis from the Lansing Parks and Recreation Center walking the streets, she instinctively rushed to his aid and took him to her home to enlist help in locating his family; and

WHEREAS, Zar-eah and her family called every number that Trenten

could recall to no avail. Meanwhile, Trenten's mother and grandfather spent a harrowing morning in search of the young boy; and

WHEREAS, Zar-eah had taken Trenten out for a bike ride when his grandfather spotted him. Grateful that he had been tended to by a caring family, Trenten's grandfather rushed him home and called his mother, Adonis, to report that he was returned home safely;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its deepest appreciation to Zar-eah Roper. As Albert Camus once stated "There's no question of heroism in all this. It's a matter of common decency." This has never been a truer statement and for your kindness, courage, and heroism, we thank you sincerely.

By Councilmember Hewitt

To place an affirmative roll on the resolution

By Councilmember Hewitt

To amend the resolution by striking all instances of "Dar-eah" and replace them with "Zar-eah"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

Councilmember Hewitt gave Zar-eah and Mr. & Mrs. Roper certificates of appreciation. He thanked the family for doing the right thing.

2. Tribute; Recognition of the Capital City Quarter Midget Racing Club on its 50th Anniversary

Councilmember Wood spoke about the Capital City Quarter Midget Racing Club.

A representative spoke about the history of the club.

A representative introduced members of the club present. He spoke about the club's activities and schedule.

Councilmember Allen spoke about the club's sponsor and its location. She asked about any family members of the drivers present that might race as well.

Councilmember Wood congratulated the club on its 50th anniversary.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Wood stated that the African American Parade will be in September this year. She announced the Black Child and Family Institute's Community Cares Festival.

Councilmember Allen asked Jerry Ambrose, Executive Assistant to Mayor Bernero, about mowing the grass on S. Cedar St.

City Clerk Swope spoke about the upcoming City Primary Election and the candidate races on the ballot. He stated that there is still time to request and receive absentee ballots. He announced the NAACP Mayoral Candidate Forum.

Councilmember Jeffries spoke about Elie's Race and thanked all of those who participated, including his wife.

Councilmember Hewitt asked City Clerk Swope if the Ward 1 Precinct 3 polling location would be open for the City Primary Election and he stated that it would be.

Councilmember Dunbar thanked Jessica Yorko for the recent Westside Summerfest. She stated that Fox 47 news anchor Jason Colthorp is a candidate to appear on the Regis and Kathi Lee show.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the next Concert in the Park and the next Blues on the Square events. He spoke about several items on tonight's agenda setting Public Hearings.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to tax abatements.

Kathi Raffone of 1221 Muskegon Ave. stated concerns with fireworks.

John Pollard of 1718 Blair St. spoke in opposition to tax abatements.

Stan Shuck of 818 Cooper Ave. spoke in opposition to tax abatements.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Winston Williams of P.O. Box 14273 spoke about the NAACP Mayoral Candidates Forum.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Demaco Chappell of P.O. Box 13223 spoke about the Black Child and Family Institute.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Shelton James Phoillips of 1301 Warwick Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Dennis Burdick of 518 N. Verlinden St. spoke about the city's taxes and budget.

Robert Ovalle of 2023 Park Ln. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Shawn Cox of 1807 W. Rundle Ave. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-276

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing received and filed an application from requesting an Industrial Facilities Exemption Certificate (IFT 02-09) for real and personal property, pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, prior to acting upon this request, it is necessary to hold a public hearing on Demmer Corp.'s application for an Industrial Facilities Exemption Certificate (IFT 02-09), to allow for any resident or taxpayer or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on August 10, 2009 at 7 p.m. on the application for an Industrial Facilities Exemption Certificate (IFT 02-09) for real and personal property located within the boundary more particularly described as:

COM W LINE BALLARD ST 345.35 FT S OF S LINE PORTER ST, TH S 288.87 FT, N 89DEG 35MIN W 798 FT +/- TO W LINE SEC 10 T4N R2W, N'LY ON SAID LINE 413 FT +/-, N 89DEG 31MIN 30SCD E 450 FT +/-, S PAR'L WITH W LINE BALLARD ST 78.45 FT, S 57DEG 27MIN E 99 FT, S 89DEG 59MIN E TO BEG, EXC THAT PART LYING S OF N'LY RAW LINE RELOCATED OAKLAND AVE JAMES SEYMOURS SUB, commonly known as 705 E. Oakland Ave., Lansing, MI, 48906

and that the City Clerk cause to be published in a publication of general circulation, giving notice of such hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, as well as the owners of real and personal property located within the stated boundary, be notified by certified mail of this application and the scheduled public hearing.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-277

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing received and filed an application from Symmetry Medical Inc. Jet requesting an Industrial Facilities Exemption Certificate (IFT 03-09) for real and personal property, pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, prior to acting upon this request, it is necessary to hold a public hearing on Symmetry Medical Inc. Jet's application for an Industrial Facilities Exemption Certificate (IFT 03-09), to allow for any resident or taxpayer or ad valorem taxing unit the right to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on August 10th, 2009 at 7 p.m., on the application for an Industrial Facilities Exemption Certificate (IFT03-09) for real and personal property located within the boundary more particularly described as:

LOTS 1&2 JET PLACE commonly known as 5212 Aurelius Rd., Lansing, MI,

and that the City Clerk cause to be published in a publication of general circulation, giving notice of such hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, as well as the owners of real and personal property located within the stated boundary, be notified by certified mail of this application and the scheduled public hearing.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-278

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing has prepared and forwarded a resolution of intent to create the Saginaw Avenue Corridor Improvement Authority (the Authority) in accordance with the provisions of the Saginaw Corridor Improvement Authority, Public Act 280 of 2005, as amended (the Act);

WHEREAS, the Saginaw Avenue Corridor Improvement Authority Development Area, as defined in the Act (the "Proposed Development Area"), is comprised of eligible property within an area along Saginaw Avenue bounded by an area of all commercial property, as defined by PA 206 of 1893, found within 500 feet north and 500 feet south of the centerline of Saginaw Avenue, and from the western edge of the City Limits of the City of Lansing to the west to the center line of Pennsylvania Ave. to the east, and specifically identified in Exhibit A;

WHEREAS, the District meets all of the requirements of section 5 of Public Act 280 of 2005, including:

1. The Proposed Development Area is adjacent to a road classified as an arterial or collector according to the Federal Highway Administration Manual "Highway Functional Classification – Concepts, Criteria and Procedures;" and
2. The Proposed Development Area contains at least ten (10) contiguous parcels or at least five (5) contiguous acres; and
3. More than half of the existing ground floor square footage in the Proposed Development Area is classified as commercial real property under Section 34c of the General Property Tax Act, Act 206 of 1893, as amended (MCL 211.34c); and

4. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire Proposed Development Area for the immediately proceeding thirty (30) years.
5. The Proposed Development Area is presently served by municipal water and sewer; and
6. The Proposed Development Area is zoned to allow for mixed use that includes high density residential use

and;

WHEREAS, in accordance with Act 280 the City would further agree to the following with respect to the Proposed Development Area:

1. To expedite the local permitting and inspection process in the Proposed Development Area; and
2. To modify its master plan to provide for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Proposed Development Area

and;

WHEREAS, at least one member of the Authority must reside within ½ mile of the development district,

WHEREAS, the Act requires that before creation of the Authority the Lansing City Council hold a public hearing in order to provide an opportunity for those living in and around the boundaries of the Authority, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the creation of the Authority;

NOW, THEREFORE, BE IT RESOLVED that Council determines that it is necessary for the best interests of the City and the public to redevelop its commercial corridors and to promote economic growth; and

BE IT FURTHER RESOLVED that the City Council hereby declares to create and provide for the operation of a corridor improvement authority as enabled by and pursuant to Act 280; and

BE IT FURTHER RESOLVED that Council hereby designates the boundaries of the Development Area as comprising parcels of real property identified in Exhibit A; and

BE IT FURTHER RESOLVED that the authority will be known as the "Saginaw Avenue Corridor Improvement Authority";

BE IT FINALLY RESOLVED that a public hearing shall be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on 24th day of August 2009, for the purpose of receiving comment on the establishment of the Michigan Avenue Corridor Authority as set forth in Public Act 280 of 2005. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 or more than 40 days before the date of the hearing. Not less than 20 days before the hearing, the City shall also mail notice of the hearing to the property taxpayers of record in the proposed development area, to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved, and to the state tax commission. Failure of a property taxpayer to receive the notice does not invalidate these proceedings. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed development area not less than 20 days before the hearing. The notice

shall state the date, time, and place of the hearing and shall describe the boundaries of the proposed development area. A citizen, taxpayer, or property owner of the municipality or an official from a taxing jurisdiction with millage that would be subject to capture has the right to be heard in regard to the establishment of the authority and the boundaries of the proposed development area.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-279

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing, in conjunction with the City of East Lansing and Charter Township of Lansing has prepared and forwarded a resolution of intent to create the Michigan Avenue Corridor Improvement Authority (the Authority) in accordance with the provisions of the Michigan Corridor Improvement Authority, Public Act 280 of 2005, as amended (the Act);

WHEREAS, the Michigan Avenue Corridor Improvement Authority Development Area, as defined in the Act (the "Proposed Development Area"), is comprised of eligible property within an area along Michigan Avenue bounded by an area of all commercial property, as defined by PA 206 of 1893, found within 500 feet north and 500 feet south of the centerline of Michigan Avenue, and from the eastern edge of the Pere Marquette Rail Line in the City of Lansing to the west to the Lansing City limit to the east, and specifically identified in Exhibit A;

WHEREAS, the District meets all of the requirements of section 5 of Public Act 280 of 2005, including:

1. The Proposed Development Area is adjacent to a road classified as an arterial or collector according to the Federal Highway Administration Manual "Highway Functional Classification – Concepts, Criteria and Procedures;" and
2. The Proposed Development Area contains at least ten (10) contiguous parcels or at least five (5) contiguous acres; and
3. More than half of the existing ground floor square footage in the Proposed Development Area is classified as commercial real property under Section 34c of the General Property Tax Act, Act 206 of 1893, as amended (MCL 211.34c); and
4. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire Proposed Development Area for the immediately preceding thirty (30) years.
5. The Proposed Development Area is presently served by municipal water and sewer; and
6. The Proposed Development Area is zoned to allow for mixed use that includes high density residential use

and;

WHEREAS, in accordance with Act 280 the City would further agree to the following with respect to the Proposed Development Area:

1. To expedite the local permitting and inspection process in the Proposed Development Area; and

2. To modify its master plan to provide for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Proposed Development Area

and;

WHEREAS, at least one member of the Authority must reside within ½ mile of the development district,

WHEREAS, the Act requires that before creation of the Authority the Lansing City Council hold a public hearing in order to provide an opportunity for those living in and around the boundaries of the Authority, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the creation of the Authority.

NOW, THEREFORE, BE IT RESOLVED that Council determines that it is necessary for the best interests of the City and the public to redevelop its commercial corridors and to promote economic growth;

BE IT FURTHER RESOLVED that the City Council hereby declares its intent to work together with the City of East Lansing and the Charter Township of Lansing to create and provide for the operation of a corridor improvement authority as enabled by and pursuant to Act 280;

BE IT FURTHER RESOLVED that Council hereby designates the boundaries of the Development Area as comprising parcels of real property identified in Exhibit A;

BE IT FURTHER RESOLVED that the authority will be known as the "Michigan Avenue Corridor Improvement Authority."

BE IT FINALLY RESOLVED that a public hearing shall be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on 24th day of 2009, for the purpose of receiving comment on the establishment of the Michigan Avenue Corridor Authority as set forth in Public Act 280 of 2005. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 or more than 40 days before the date of the hearing. Not less than 20 days before the hearing, the City shall also mail notice of the hearing to the property taxpayers of record in the proposed development area, to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved, and to the state tax commission. Failure of a property taxpayer to receive the notice does not invalidate these proceedings. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed development area not less than 20 days before the hearing. The notice shall state the date, time, and place of the hearing and shall describe the boundaries of the proposed development area. A citizen, taxpayer, or property owner of the municipality or an official from a taxing jurisdiction with millage that would be subject to capture has the right to be heard in regard to the establishment of the authority and the boundaries of the proposed development area.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-280

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

Roger Bonney of Night Magic on behalf of Lansing Lugnuts for a public display of fireworks in the City of Lansing at 505 E. Michigan Avenue to be held on August 1, August 7, August 8, August 15, and September 4, 2009 with rain dates of August 8, August 15, and September 4.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-281

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Fabulous Acres Neighborhood Association has requested \$300.00 to defray costs associated with their Annual Neighborhood Block Party to be held on August 15, 2009; and

WHEREAS, the Committee on General Services met on July 27, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Fabulous Acres to defray costs associated with the Fabulous Acres Neighborhood Association Annual Neighborhood Block Party to be held on August 15, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$300.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Fabulous Acres Neighborhood Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-282

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Moores Park Neighborhood Organization has requested \$500.00 to defray costs associated with the Moores Park Neighborhood Organization Kids Carnival to be held on July 31, 2009; and

WHEREAS, the Committee on General Services met on July 27, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation of \$500.00 from the Community Promotion Account to Moores Park Neighborhood Organization to defray costs associated with the Moores Park Neighborhood Organization Kids Carnival to be held on July 31, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council

Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Moores Park Neighborhood Organization shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-283

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Area Parents' Respite Center has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Lansing Area Parents' Respite Center as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license;

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Judith Wagner, Lansing Area Parents, Respite Center, of 840 E. Mt. Hope, Suite 101 Lansing, Michigan.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-284

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Fantasia Ballet Folklorico has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Fantasia Ballet Folklorico as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Michael Rocha, Fantasia Ballet Folklorico, of 4922 S Pennsylvania Ave. Lansing, Michigan 48910.

By Councilmember Kaltenbach

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

By Councilmember Jeffries, Chair of the Committee on Development and Planning

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Development and Planning

By Councilmember Jeffries

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances for property located at:

Z-1-2009; 1141 N. Pine St., rezoning from "B" Residential District to "D-1" Professional Office District

was introduced by Councilmember Jeffries, read by its title and referred to the Committee on Development and Planning.

RESOLUTION #2009-285

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, August 17, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-1-2009; 1141 N. Pine St., rezoning from "B" Residential District to "D-1" Professional Office District

By Councilmember Jeffries

Motion Carried

INTRODUCTION OF ORDINANCES

By Councilmember Jeffries, Chair of the Committee on Development and Planning

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Development and Planning

By Councilmember Jeffries

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances for property located at:

Z-3-2009; 1114 W. Ionia St., rezoning from "B" Residential District to "C" Residential District

was introduced by Councilmember Jeffries, read by its title and referred to the Committee on Development and Planning.

RESOLUTION #2009-286

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, August 17, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-3-2009; 1114 W. Ionia St., rezoning from "B" Residential District to "C" Residential District

By Councilmember Jeffries

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

The City Council returned to the order of:

RESOLUTIONS

RESOLUTION #2009-287

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Capitol Quarter Midgets Association provides a fun sporting activity for the Lansing youth, ages 5-16; and

WHEREAS, the Capitol Quarter Midgets Association is part of a nation wide volunteer organization called "Quarter Midgets of America" and has been in existence in Lansing since 1959, located behind Rookies Restaurant on North Larch; and

WHEREAS, right from the start, kids are taught the basics at Novice School: flags, line-up, driving skills, and more. Imagine a child that barely rides a two wheeler, strapping in and putting the "pedal to the metal"; and

WHEREAS, the Capitol Quarter Midget Association, started by 8 men, held their 1st meeting in the basement of the Lansing State Journal building in the late fall of 1957; and

WHEREAS, the first race was held in 1959 on a dirt track, which was later upgraded to asphalt in 1960; and

WHEREAS, racing brings families together through participating, traveling, and competing; it's a building block for families to make friends and build relationships; it's fun watching kids race and observe how they mature, developing closeness and trust; and

WHEREAS, the Capitol Quarter Midgets Club hosts many events, a couple events will be held on August 8th-9th and August 15th-16th, where competitors from other states come to race, and at the end of the year, they will hold a charity race where all proceeds from the event are donated to a charity; and

WHEREAS, the Capitol Quarter Midgets Association's 50th Anniversary is being celebrated with a race event to be held August 1, 2009;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, congratulates the Capitol Quarter Midgets Club on their 50th Anniversary and wishes them continued success;

BE IT FURTHER RESOLVED, the Lansing City Council extends to each and every one of the youths driving midgets a safe and speedy ride.

By Councilmember Wood

Motion Carried

The City Council returned to the order of:

**COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
- i. Providing notice of the completion of the "Complete Streets" ordinance petition, and submitting a copy of the petition and full ordinance language

REFERRED TO THE CITY ATTORNEY AND REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Submitting an Approval of an Application for a Public Display of Fireworks filed by Roger Bonney of Night Magic Displays on behalf of Lansing Lugnuts, to be held on August 1, August 7, August 8, August 15, and September 4, 2009 with rain dates of August 8, August 15, and September 4

RECEIVED AND PLACED ON FILE

- iii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. IFT-02-09; Request for Public Hearing regarding an Application for Industrial Facilities Tax Exemption Certificate filed by Demmer Corporation for property located at 705 E. Oakland Ave.

RECEIVED AND PLACED ON FILE

- ii. IFT-03-09; Request for Public Hearing regarding an Application for Industrial Facilities Tax Exemption Certificate filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

RECEIVED AND PLACED ON FILE

• Communications and Petitions, and Other City Related Matters:

- a. Letters from the State of Michigan Liquor Control Commission providing 15-Day Notice of applications for new SDM licenses submitted by Walgreen Co. to be located at:

- i. 3435 E. Saginaw St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. 3404 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- iii. 410 E. Jolly Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Engagement letter; Rehmann Robson as Auditors for the City of Lansing for the year ended June 30, 2009

RECEIVED AND PLACED ON FILE

- c. Letter from AT&T Michigan submitting a copy of its Second Annual Video Report dated July 20, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- d. Request for Recognition of Non-Profit Status in the City of Lansing submitted by the Black Child and Family Institute

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Application for Community Funding submitted by the Friends of Lansing's Historic Cemeteries for its 2009 Fall Cemetery Tour/Walk to be held September 27, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Letter from John Pollard of Fair Share Coalition of Lansing submitting Freedom of Information Act (FOIA) requests regarding the cost of flowers on Michigan Ave. and in downtown, and for a list of City Council videotapes currently in the possession of City TV; also submitting an alleged Charter violation by Mayor Bernero and Jerry Ambrose

REFERRED TO THE CITY ATTORNEY

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Robinson from tonight's meeting

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to check on the possibility of signs telling drivers to slow down on Saginaw St. when approaching Verlinden Ave. from the west.

Councilmember Jeffries asked Jerry Ambrose to check on issues related to the traffic lights at the intersection of Martin Luther King, Jr. Blvd. and Grand River Ave.

City Clerk Swope stated that the SDM license requests from Walgreen Co. are for new licenses.

Councilmember Allen asked Jerry Ambrose about the possibility of signs disallowing commercial vehicles on Alpha St.

Council President Quinney wished Councilmember Wood a happy birthday.

ADJOURNED TIME 9:04 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 3, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Councilmember Robinson

Councilmember Wood asked for people to remember former Mayor Benevides' brother, who recently passed away during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of July 27, 2009

Motion carried

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Kaltenbach announced the St. Casmir Church Corn Roast.

Councilmember Wood announced several National Night Out Against Crime events and the Genesee Neighborhood Ice Cream Social. She stated that there are groups giving voters rides to the polls tomorrow.

Councilmember Allen encouraged citizens to honor those who fight for our freedoms by voting in Primary Election tomorrow.

Council President Quinney congratulated Murray Edwards who shot a hole in one at a recent charity golf outing for cancer research.

City Clerk Swope stated that due to the Public Service Department's work, a few polling locations would have signs showing accessibility to the buildings. He stated that absentee ballots must be returned by 8:00 p.m. tomorrow night at City Hall or the former Armory at 2500 S. Washington Ave. He also stated that the Capital Area Transportation Authority (CATA) would give free rides to the polls for those showing the bus drivers their voter identification cards.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the "Complete Streets" Ordinance and the kickoff to National Night Out. He announced the OldTown JazzFest, the next Concert in the Park and the next Blues on the Square events.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of SLU-1-2009; 801 S. Holmes St., a request filed by Mt. Hope Church to utilize the property located at 801 S. Holmes St. for a church

Councilmember Jeffries gave a brief overview of the Public Hearing.

Harold King of 1563 N. High St. spoke about the "Complete Streets" Ordinance.

Stan Shuck of 818 Cooper Ave. stated concerns with the "Complete Streets" Ordinance.

Charlene Decker of 2711 Pleasant Grove Rd. stated concerns with the "Complete Streets" Ordinance.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. stated concerns with the "Complete Streets" Ordinance.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-1-2009; 801 S. Holmes St., a request filed by Mt. Hope Church to utilize the property located at 801 S. Holmes St. for a church

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Claude Beavers of 3010 Boston Blvd. spoke about the August 4, 2009 City Primary Election.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Harold King of 1563 N. High St. spoke about various city matters.

Dennis Burdick of 518 N. Verlinden St. spoke about the city's taxes and budget.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about the August 4, 2009 City Primary Election.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Theodore Jones of 613 E. Michigan Ave. spoke about a recent Mayoral candidate review.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Shelton James Phillips of 1301 Warwick Dr. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Jody Washington of 521 Nantucket Dr. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-288

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Police Department (LPD) submitted a 100% Federally-funded multi jurisdiction grant application (#2009-F1325-MI-SB) to the U.S. Bureau of Justice Assistance for a four-year Recovery Justice Assistance Grant (JAG); and

WHEREAS, the LPD JAG application was accepted by the Bureau of Justice Assistance; and

WHEREAS, the Recovery JAG grant is a cooperative plan with Ingham County, the City of East Lansing, the Charter Township of Lansing, and the Charter Township of Meridian; and

WHEREAS, the Bureau of Justice Assistance will award \$852,033 to be split; \$652,828 to the City of Lansing, \$58,738 to the County of Ingham, \$91,967 to the City of East Lansing, \$15,607 to the Charter Township of Lansing, and \$32,893 to the Charter Township of Meridian; and

WHEREAS, the federal award of \$852,033 requires no local match from any of the local agencies; and

WHEREAS, the JAG grant will fund the development and implementation of a youth gun violence and crime prevention initiative (\$250,000), and will enlarge and upgrade law enforcement technology in all of the local agencies (\$602,033);

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the multi-agency Recovery Justice Assistance Grant in the total amount of \$852,033 (requiring no local match) for the grant period beginning July 1, 2009, and ending June 30, 2013, to fund technology enhancement and a youth gun violence and crime prevention initiative;

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-289

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

General Fund
Police

\$17,230.99 from General Fund - Fund Balance 101.0.679100.0
\$17,230.99 to Operating Transfer - Police 101.966010.991273.00032

(To provide for the local match funds originating in the Police Uniforms expenditure account in the FY08 General Fund city budget. The operating transfer was discovered uncompleted as it was lapsed to the fund balance at the end of the year. The grant purchase of multiple Bullet Proof Vests was accomplished in the federal FY07 project, and that project has been completed. This appropriation of the missing budget authority will allow the project accounts to be retired and removed from the IFAS accounting system, project 17791.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-290

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of U. S. Department of Justice Grant and that the following FY 2009 transfer be approved:

General Fund
Police

\$17,230.99 from Central Services - Uniforms 101.343221.742600.0
\$17,230.99 to Operating Transfer - Police 101.966010.991273.00032

(To provide for the previously-unbudgeted local match for federal Bullet Proof Vest grant purchase of 55-60 vests to replace those whose warranty periods expire this year, project #17807).

State/Federal Programs
Bullet Proof Vest Grant
Police

\$17,230.99 from Estimated Federal Revenue 273.0.527001.17807
\$17,230.99 from GF Operating Transfer - Police 273.0.696101.17807
\$34,461.98 to Uniforms - Bullet Proof Vests 273.343221.742600.17807

(To provide for 55-60 vests to replace those whose warranty periods expire this year).

By Councilmember Wood

Motion Carried

RESOLUTION #2009-291

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2010 transfer be approved:

Police
CARE Donations

\$613.00 from General Fund - Fund Balance 101.0.679100.0
\$613.00 to Donations/Contributions 101.343201.741880.0

(To provide for donations to the Capital Area Response Effort (CARE) program to assist individuals victimized by domestic violence.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-292

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

Police
Administration

\$50.00 from Donations Revenue	101.0.675012.0
\$50.00 to Administration Problem-Solving Overtime	
101.343201.708103.0	

(To appropriate Ruth Hallman donations revenue to support Problem Solving Overtime efforts in the Lansing Police Department).

By Councilmember Kaltenbach

To place an affirmative roll on the resolution

By Councilmember Kaltenbach

To recuse Councilmember Wood for possible conflict of interest

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried (Councilmember Wood abstaining)

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-293
COMMITTEE REPORT

THE COMMITTEE ON WAYS AND MEANS held a meeting on Monday, July 27, 2009, in which to consider the ordinance amendment to Chapter 292 of the City of Lansing Codified Ordinances by amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B and Section 292.37C of Chapter 292, Employees Retirement System providing for membership in the Retirement System for those FOP 911 Operators' Division Employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the System and for Retirement Health Care; to modify final average salary calculation; and to provide vesting requirements for Retirement Health Care.

The Committee recommends adoption of the amendment to the City of Lansing Codified Ordinances Chapter 292 by amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B and Section 292.37C.

By the Committee on Ways and Means

Signed: Carol Wood, Chair
Tim Kaltenbach, Vice Chair
Derrick Quinney, Member

August 3, 2009

By Councilmember Wood

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
ADD SECTION 1020.13

By Councilmember Robinson, Vice-President of the Committee of the Whole

That the Ordinance when read by its title be considered as read in its entirety

By the Committee of the Whole

By Councilmember Robinson

That:

An Ordinance of the City of Lansing to add Section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities

was introduced by Councilmember Robinson and read by its title

RESOLUTION #2009-294
RESOLUTION SETTING PUBLIC HEARING
By Councilmember Robinson

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, August 10, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to add section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities.

Interested Persons are invited to attend this Public Hearing

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Wood

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS

By Councilmember Wood

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care be placed on order of immediate passage.

BY THE COMMITTEE ON WAYS AND MEANS

By Councilmember Wood

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney and Wood

NAYS: None

ABSENT: Councilmember Robinson

By Councilmember Wood

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1144

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 292 OF THE LANSING CODE OF ORDINANCES BY AMENDING SECTIONS 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B AND SECTION 292.37C OF CHAPTER 292, EMPLOYEES RETIREMENT SYSTEM TO PROVIDE FOR MEMBERSHIP IN THE RETIREMENT SYSTEM FOR THOSE FOP 911 OPERATORS' DIVISION EMPLOYEES WHO WERE PREVIOUSLY MEMBERS OF THE DEFINED CONTRIBUTION PLAN; TO PROVIDE FOR AGE AND SERVICE REQUIREMENTS; TO MODIFY EMPLOYEE CONTRIBUTIONS TO THE SYSTEM AND FOR RETIREMENT HEALTH CARE; TO MODIFY FINAL AVERAGE SALARY CALCULATION; AND TO PROVIDE VESTING REQUIREMENTS FOR RETIREMENT HEALTH CARE.

NOW THEREFORE, THE CITY OF LANSING ORDAINS:

Section 1. That Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B and 292.37C of the Code of Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

292.14. Membership in system.

(a) The membership of the retirement system shall include all employees, as defined in Section 292.01(h), and all persons who become employees, except as provided in subsection (b) hereof.

(b) The membership of the retirement system shall not include:

- (1) Employees who are employed by the Board of Water and Light;
- (2) Employees who are members of the Policemen's and Firemen's Retirement System, as set forth in Chapter 294;
- (3) Except as provided in Section 292.14(d), and Section 292.14(e), AND SECTION 292.14(f) employees hired on or after the effective date of this section (Ordinance 540, passed June 25, 1979) who

- (4) Employees of the Housing Commission who have executed a request to transfer to the Michigan Municipal Employees Retirement System and a release of the City and the retirement system from future pension claims, and any employees of the Housing Commission hired after April 16, 1988;
- (5) Employees who are employed in positions normally requiring less than 2,000 hours of work per year; and
- (6) Employees excluded from membership as provided in subsection (c) hereof.

- (c) (1) An employee, hired into a covered position on or after the covered position's effective date, who was not a member of the retirement system on the day before his or her date of hire, shall not become a member of the retirement system. An elected official, exempt or appointed employee, or executive management plan employee, who is employed in a covered position on the covered position's effective date, who was a member of the retirement system on the day before the covered position's effective date, and who elects, on or before April 1, 1991, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the covered position's effective date. A teamster supervisory or non-supervisory employee, or an employee of the District Court, who is employed in a covered position on the covered position's effective date, who was a member of the retirement system on the day before the covered position's effective date, and who elects on or before April 29, 1991, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the covered position's effective date. Any FOP 911 Operators' Division employee employed in a covered position on the covered position's effective date, who was a member of the retirement system on the day before the covered position's effective date, and who elected, on or before May 31, 1993, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the covered position's effective date. An employee who is transferred into a covered position on or after the covered position's effective date, from a position that was not a covered position, who was a member of the retirement system on the day before the transfer, and who elects, within ninety days of the transfer, to terminate membership, shall cease to be a member of the retirement system effective on the first day of the first calendar month which is at least 120 days after the transfer. The election to terminate membership shall be one time and irrevocable. The method of election shall be determined by the Board of Trustees. An employee who elects to terminate membership in accordance with this subsection shall waive all rights to a pension, annuity, retirement allowance or return of accumulated contributions, except as provided in Section 292.311, effective on the date of termination of membership.

- (2) An executive management plan or exempt employee

of the City and a City Teamster 580 or 214 supervisory and non-supervisory employee included in Subsection 292.14(c)(1) Shall become a member of the retirement system, beginning on October 1, 2000, if the employee elected an option, filed with the Board, to return to membership of the retirement system by September 1, 2000.

- (3) A District Court Teamster or District Court exempt employee included in Subsection 292.14(c)(1) Shall become a member of the retirement system, beginning on October 1, 2000, if the employee elected an option, filed with the Board, to return to membership of the retirement system by September 22, 2000.

- (4) A FOP 911 Operators' Division employees included in Subsection 292.14(c)(1) shall become a member of the retirement system, beginning on May 1, 2001, if the employee elected an option, filed with the Board to return to membership of the retirement system by April 20, 2001.

- (d) Effective October 1, 2003, and commencing on said date, notwithstanding anything in this chapter to the contrary, any employee in any of the following classifications who was an active member of the defined contribution plan on September 30, 2003, shall be deemed a member as of October 1, 2003; any employee hired into any of these classifications after September 30, 2003, shall be a member as of that employee's hire date:

- (1) Exempt.
- (2) Executive management plan.
- (3) Teamster 580.
- (4) Teamster 214.
- (5) Mayoral staff.
- (6) Council staff.

The service credit vesting and multiplier calculations for these members shall be as set forth in Sections 292.20 and 292.21.

- (e) Effective December 1, 2003, and commencing on said date, notwithstanding anything in this chapter to the contrary, any employee in any of the following classifications who was an active member of the defined contribution plan on November 30, 2003, shall be deemed a member as of December 1, 2003; Any employee hired into any of these classifications after November 30, 2003, shall be a member as of that employee's hire date:

- (1) District court exempt.
- (2) District court teamster.

The service credit vesting and multiplier calculations for these members shall be as set forth in Sections 292.20 and 292.21.

- (F) EFFECTIVE MAY 1, 2004, AND COMMENCING ON SAID DATE, NOTWITHSTANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, ANY EMPLOYEE IN THE CLASSIFICATION OF FOP 911 OPERATORS' DIVISION WHO WAS AN ACTIVE MEMBER OF THE DEFINED CONTRIBUTION PLAN ON APRIL 30, 2004, SHALL BE DEEMED A MEMBER AS OF MAY 1, 2004, ANY EMPLOYEE HIRED INTO THIS CLASSIFICATION AFTER APRIL 30, 2004, SHALL BE A MEMBER AS OF THAT EMPLOYEE'S HIRE DATE. THE SERVICE CREDIT VESTING AND MULTIPLIER CALCULATIONS FOR THESE MEMBERS SHALL BE AS SET FORTH IN SECTIONS 292.20 AND 292.21.

- (fG) In any case of doubt as to the retirement system membership

status of any employee, the Board of Trustees shall decide the question.

292.155. Purchase of service credit.

- (a) (1) A member of the retirement system may elect to purchase service credit for prior full-time service as an employee with the City, upon request, upon verification of the employment by documentation satisfactory to the Board of Trustees and upon payment to the retirement system of an amount equal to 14.9 percent of the member's current annual rate of compensation, including longevity bonus, multiplied by each year and fraction of a year of service to be purchased.

- (2) As used in this section, "service as an employee with the City" consists of prior full-time employment with the City or its boards and commissions, or with the District Court, which employment has not already been credited to the member's service account and for which the member would not otherwise be entitled to a service credit, but for this section; "service as an employee with the City" includes periods during which the member's income from the City or its boards or commissions, or from the District Court, consisted of Workers' Compensation payments, provided the member has not already received credit for such service or is not otherwise entitled to service credit for such periods.

- (3) In order to purchase service credit pursuant to this section, a member must elect to do so in writing prior to July 16, 1988, and, within thirty days of such election, pay in one lump sum the amount required by subsection (a) hereof.

- (b) (1) An employee who elects an option to return as a member of the employees' retirement system pursuant to Subsections 292.14(c)(2) through (c)(4) may purchase service credits. Service credits purchased pursuant to this option shall be actuarially determined at 83.9 percent of the employees' retirement system's actuarially accrued liability as of October 1, 2000; except for a FOP 911 Operators' Division employee's date for determining the actuarially accrued liability shall be as of May 1, 2001. A City executive management plan employee, exempt employee, or a Teamsters 580 and 214 supervisory and non-supervisory employees shall have until September 1, 2000 to purchase service credits. A district court teamster or district court exempt employee shall have until September 22, 2000 to purchase service credits. A FOP 911 Operators' Division employee shall have until April 20, 2001 to purchase service credits.

- (2) The ceiling amount of service credits that may be purchased by these employees shall be in accordance with Section 292.01(f) and (r) including the time the employee was excluded pursuant to Section 292.14(c)(1).

- (3) An employee, who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(F) may purchase service credits in accordance with Section 292.20(a)(2).

292.20. Retirement age and service requirements.

- (a) Except as provided in subsection (b), (c) or (d) hereof, any member who either has attained or attains the age of fifty-eight

years and has eight or more years of credited service, or has attained or attains the age of fifty-five years and has twenty-five or more years of credited service, may retire upon his or her written application to the Board of Trustees setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance as provided in Section 292.21.

- (1) For vesting purposes of this section only, and not for purposes of service retirement allowance multiplier calculations under Section 292.21, a member, who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E) shall receive credited service equal to the number of years and full months that the member accrued while enrolled in the defined contribution plan. For service retirement allowance multiplier calculations under Section 292.21, a member, who become a member pursuant to Section 292.14(d), ~~or~~ 292.14(e), OR SECTION 292.14(E) shall be entitled to a multiplier of zero (0) years and full months of credited service based upon longevity in the defined contribution plan unless Section 292.21 credited service allowance is purchased by the member pursuant to Section 292.20(a)(2).
- (2) A member, who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E) may purchase service credits eligible for inclusion in Section 292.21 multiplier calculations upon the lump sum payment to the retirement system in an amount determined by the retirement system actuary for the particular member. For a Section 292.14(d) member, such payment must be made no later than December 31, 2003, or the ninetieth day after the date of mailing of the letter to the member containing the actuarial determination, whichever shall last occur. For a Section 292.14(e) member, such payment must be made no later than February 1, 2004, or the ninetieth day after the date of mailing of the letter to the member containing the actuarial determination, whichever shall last occur. FOR A SECTION 292.14(E) MEMBER, SUCH PAYMENT MUST BE MADE NO LATER THAN JULY 13, 2004, OR THE NINETIETH DAY AFTER THE DATE OF MAILING OF THE LETTER TO THE MEMBER CONTAINING THE ACTUARIAL DETERMINATION, WHICHEVER SHALL LAST OCCUR. A member may not purchase service credits for Section 292.21 purposes in excess of the credited service the member is entitled to under Section 292.20(a)(1) based upon longevity in the defined contributions plan.
- (b) Effective June 30, 1987, a member who is associated with the FOP Park Security Division and who either has attained or attains the age of fifty-eight years and has eight or more years of credited service, or has attained or attains the age of fifty years and has twenty-five or more years of credited service, may retire upon written application to the Board setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance, as provided in Section 292.21. Effective December 1, 1989, a member who has twenty-five years of credited service may retire regardless of his or her age.
- (c) Effective November 1, 1995, a member who is associated with United Auto Workers Local 2256 and who either has attained

or attains the age of fifty-eight years and has eight or more years of credited service, or who has attained the age of fifty years and has twenty-five or more years of credited service, may retire upon his or her written application to the Board setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance as provided in Section 292.21.

- (d) A member, employed in a covered position on or after the covered position's effective date, who does not elect to terminate membership as provided in Section 292.14(c)(1) or has elected to return to the employees' retirement system as a member pursuant to Section 292.14(c)(2) through (c)(4), who has eight or more years of credited service, and whose years and full months of attained age, when added to the years and full months of credited service, equal or exceed sixty-five years, may retire upon his or her written application to the Board. Such application shall set forth at what time, neither less than thirty nor more than ninety days subsequent to the execution and filing thereof, the member desires to be retired. Upon the member's retirement, the member shall receive a retirement allowance as provided in Section 292.21. The foregoing notwithstanding, this provision shall not be operative for any FOP 911 Operators' Division employees, except as follows:
 - (1) Any FOP 911 Operators' Division employee satisfying said formula between December 1, 1992, and May 31, 1993, is eligible to retire during said window of opportunity, pursuant to an Act 312 arbitration award.
 - (2) Thereafter, any FOP 911 Operators' Division employee, satisfying said formula on or after August 20, 1994, shall be eligible to retire in accordance with said formula.
- (e) Further, without regard to whether they were employed in covered positions at the time of retirement, vested employees from the following employee groups are eligible for retirement in accordance with said "sixty-five point" formula, retroactive to their retirement dates:
 - (1) Teamster supervisory and non-supervisory, exempt and appointed employees and executive management plan employees retiring in accordance with said "sixty-five point" formula pursuant to the terms of the early retirement incentives approved by Council on April 18, 1988; and
 - (2) Any FOP Parks Security Division employee retiring in accordance with the terms of the agreement concerning the impact of layoffs on the Parks Security Division, dated June 15, 1992.
- (f) Notwithstanding any other subsection of this section, or any other section of this chapter, to the contrary, and in confirmation and ratification *nunc pro tunc* of a certain memorandum of understanding between the City and Teamsters Local 580, regarding voluntary reduction in force (ratified and accepted as a binding collective bargained agreement by Council Resolution No. 201 on April 13, 1992) and Resolution No. 382 adopted by Council on July 13, 1992, members described in Section 292.14 who were then in the following classifications: Local 580 Teamsters supervisory and clerical/technical/professional bargaining units (excluding the District Court bargaining unit), executive management plan employees, non-bargaining unit City employees and exempt District Court employees (except the District Court judges), but

excluding elected City officials, and who met all of the following criteria:

- (1) Retired on or after July 1, 1992, and by January 4, 1993; and
- (2) Signed and delivered to the City not later than December 1, 1992, the requisite written notice of intent to exercise the right to receive certain early retirement incentives contained in said memorandum and Resolution No. 201; and
- (3) Without retirement incentives, had eight or more years of service credit.

Are granted the additional five years of service credit and the increased benefit multiplier of 2.75 percent as described and contained in said memorandum. Notwithstanding such increased service credit and benefit multiplier, no annual benefit payment shall exceed the limitations as prescribed by Internal Revenue Code Section 415.

- (g) The adoption of the provisions of subsection (f) hereof shall not be deemed nor construed as a waiver, release or relinquishment of any rights of the City or the Board of Trustees to pursue civil or criminal actions against any individual(s) who may have committed or participated in actions, or omissions to act, of misfeasance, malfeasance, breach of fiduciary duty, breach of public trust, negligence or any kind of wrongdoing whatsoever in connection with the implementation and/or adoption of the 1992 early retirement plan, which is being codified in certain respects by subsection (f) hereof.

The City and the Board of Trustees hereby respectively reserve the right and any claim or defense to discontinue, deny or recoup the benefits contained in subsection (f) hereof to and from any member or benefit recipient upon a finding that such member or recipient committed or participated in acts, or omissions to act, of misfeasance, malfeasance, breach of fiduciary duty, breach of public trust, negligence or any kind of wrongdoing whatsoever in connection with the implementation and/or adoption of the 1992 early retirement plan as codified in subsection (f) hereof. The City and the Board of Trustees hereby also reserve the right to deny, withhold or recoup the benefits contained in subsection (f) hereof to and from any member or recipient upon a finding that any member or recipient elected retirement under the 1992 early retirement plan with knowledge that said plan was improperly adopted by Resolution No. 201 of 1992 or otherwise improperly adopted, or elected retirement with the knowledge that said member or recipient had no legal entitlement to such early retirement benefits, or that such entitlement was significantly questionable under the City Charter, general law of the State or ordinance of the City Charter, law or ordinance.

292.21. Age and service retirement allowance.

- (a) Upon retirement, a member shall receive a straight life retirement allowance and shall have the right to elect to receive a retirement allowance under an option provided in Section 292.27 in lieu of a straight life retirement allowance. Such member's straight life retirement allowance shall consist of the following benefits:
 - (1) An annuity which shall be the actuarial equivalent of accumulated contributions standing to the member's credit in the employees' savings fund at the time of retirement; and
 - (2) A pension which, when added to the member's annuity, shall provide a straight life retirement allowance equal to the number of years, and fraction of a year, of the member's credited service multiplied by two percent of the member's final average

compensation, except as modified by the following:

- A. For such retirements on or after February 1, 1992, the multiplier shall be 2.5 percent for a maximum of thirty-five years of credited service, 1.5 percent for credited service between thirty-five and forty years, and 1.0 percent for credited service between forty and forty-five years.
- B. Employees retiring under subsection 292.21(a)(2)(A) shall not earn or accrue more than forty-five years of credited service.
- C. For FOP 911 Bargaining Unit employees that retire on or after September 16, 1992, the multiplier shall be 2.5 percent for a maximum of thirty-five years of credited service, 1.5 percent for credited service between thirty-five and forty years, and 1.0 percent for credited service between forty and forty-five years, and zero percent for credited service in excess of forty-five years.
FOR FOP 911 OPERATORS' DIVISION EMPLOYEES THAT RETIRE ON OR AFTER MAY 1, 2001, THE MULTIPLIER SHALL BE 2.75 PERCENT FOR THE FIRST 35 YEARS OF SERVICE. IN NO CASE SHALL A PENSION EXCEED ONE HUNDRED PERCENT OF THEIR FINAL AVERAGE COMPENSATION EXCEPT AS ALLOWED BY LAW.
- D. For Executive Plan Exempt, Teamster 580 and 214, and District Court exempt employees that retire on or after October 1, 2002, the multiplier shall be 2.75 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their average compensation except as allowed by law.
- E. Except as provided in Section 292.21(a)(2)(E)(i), for executive plan, exempt, Teamster 500 and Teamster 214, mayoral staff and council staff employees that retire on or after October 1, 2003, the multiplier shall be 2.8 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.
 - (i) Notwithstanding anything in this section to the contrary, for members who become members pursuant to Section 292.14(d) the multiplier shall be 1.6 percent. In no case shall a pension exceed one hundred percent of a member's final average compensation except as allowed by law. For purposes of the multiplier under this section only, and not for vesting purposes under Section

292.20, credited service shall be such credited service earned by the member subsequent to October 1, 2003, and any additional service credit purchased by a member pursuant to Section 292.20(a)(2).

- F. Except as provided in Section 292.21 (a)(2)(F)(i), for District Court exempt employees that retire on or after December 1, 2003, the multiplier shall be 2.8 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.

- (i) Notwithstanding anything in this section to the contrary, for members who become members pursuant to Section 292.14(e) the multiplier shall be 1.6 percent. In no case shall a pension exceed one hundred percent of a member's final average compensation except as allowed by law. For purposes of the multiplier under this section only, and not for vesting purposes under Section 292.20, credited service shall be such credited service earned by the member subsequent to December 1, 2003, and any additional service credit purchased by a member pursuant to Section 292.20(a)(2).

- G. For District Court Teamster employees that retire on or after October 1, 2000, the multiplier shall be 2.25 percent for the first 35 years of credited service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.

- H. Except as provided in Section 292.21 (a)(2)(H)(i), for District Court teamster employees that retire on or after December 1, 2003, the multiplier shall be 2.3 percent. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.

- (i) Notwithstanding anything in this section to the contrary, for members who become members pursuant to Section 292.14(e) the multiplier shall be 1.6 percent. In no case shall a pension exceed one hundred percent of a member's final average compensation except as allowed by law. For purposes of the multiplier under this section only, and not for vesting purposes under Section

292.20, credited service shall be such credited service earned by the member subsequent to December 1, 2003, and any additional service credit purchased by a member pursuant to Section 292.20(a)(2).

- I. For UAW employees that retire on or after March 1, 2001, the multiplier shall be 2.75 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.

- J. EXCEPT AS PROVIDED IN SECTION 292.21(A)(2)(J)(I), ~~FOR FOP 914 OPERATORS' DIVISION employees that retire on or after May 1, 2001, the multiplier shall be 2.75 percent for the first 35 years of service. In no case shall a pension exceed one hundred percent of their final average compensation except as allowed by law.~~ FOR FOP 911 OPERATORS' DIVISION EMPLOYEES THAT RETIRE ON OR AFTER MAY 1, 2004, THE MULTIPLIER SHALL BE 2.8 PERCENT (2.8%) FOR THE FIRST THIRTY-FIVE (35) YEARS OF CREDITED SERVICE AND 1.5 PERCENT (1.5%) FOR CREDITED SERVICE AFTER 35 YEARS. IN NO CASE SHALL A PENSION EXCEED ONE HUNDRED PERCENT (100%) OF THE MEMBER'S FINAL AVERAGE COMPENSATION, EXCEPT AS ALLOWED BY LAW.

- i. NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, FOR MEMBERS WHO BECOME MEMBERS PURSUANT TO SECTION 292.14(E) THE MULTIPLIER SHALL BE 1.6 PERCENT. IN NO CASE SHALL A PENSION EXCEED ONE HUNDRED PERCENT OF A MEMBER'S FINAL AVERAGE COMPENSATION, EXCEPT AS ALLOWED BY LAW. FOR PURPOSES OF THE MULTIPLIER UNDER THIS SECTION ONLY, AND NOT FOR VESTING PURPOSES UNDER SECTION 292.20, CREDITED SERVICE SHALL BE SUCH CREDITED SERVICE EARNED BY THE MEMBER SUBSEQUENT TO MAY 1, 2004, AND ANY ADDITIONAL SERVICE CREDIT PURCHASED BY A MEMBER PURSUANT TO SECTION 292.20(A)(2).

- K. Except as provided in Section 292.21(a)(2)(E)(i), for an elected and appointed employees who is a member and retires on or after July 1, 2001, the

multiplier shall be 2.75 percent for the first 35 years of service.

- L. Any member or employee who hires or transfers on or after October 1, 2003, into a position within a different bargaining unit or employee group classification of executive management plan, exempt, mayoral staff, council staff and District Court exempt, shall only receive the service credit multiplier for the new position bargaining unit or employee group classification for credited service after said transfer or hire date and shall retain the bargaining unit or employee group classification multiplier, if any, for credited service before October 1, 2003 in the bargaining unit or employee group classification from which the employee transferred.

- (3) The foregoing notwithstanding, any member of the following employee groups shall receive a pension which, when added to the member's annuity, shall provide a straight life retirement allowance equal to the number of years, and fraction of a year, of the member's credited service multiplied by 2.5 percent of the member's final average compensation:

- A. Teamster supervisory and non-supervisory, exempt and appointed employees and executive management plan employees retiring in accordance with the terms of the early retirement incentive approved by Council on April 18, 1988; and

- B. Any FOP Parks Security Division employee retiring in accordance with the terms of the agreement concerning the impact of layoff on the Parks Security Division, dated June 15, 1992.

- (b) According to such rules and regulations as the Board of Trustees may from time to time adopt, any member who retires prior to the attainment of the age of sixty-five years may elect to have his or her straight life retirement allowance actuarially equated to provide an increased retirement allowance payable to the member's attainment of the age of sixty-five years and a reduced retirement allowance payable thereafter. The member's increased retirement allowance payable to the member's attainment of the age of sixty-five years shall approximate the sum of the member's reduced retirement allowance payable after the attainment of the age of sixty-five years and the member's estimated Social Security primary insurance amount.

- (c) If a retirant dies before having received, in straight life retirement allowance payments, an aggregate amount equal to his or her accumulated contributions standing to his or her credit in the employees' savings fund at the time of his or her retirement, the difference between the member's accumulated contributions and the aggregate amount of straight life retirement allowance payments received by the member shall be paid from the retirement reserve fund to such person as the member nominates by written designation duly executed and filed with the Board. If there is no such designated person surviving the retirant, such difference, if any, shall be paid to the retirant's legal representative. No benefits shall be paid under this subsection on account of the death of a retirant if the member had elected option 1, A or B as provided in Section

292.27.

- (d) It is acknowledged that compensation, including retirement benefits, is determined for elected officials by the Lansing Elected Officers Compensation Commission (EOCC) and that the EOCC has, through its official determinations, approved and ratified the retirement benefits of eligible elected officials as contained in this employees' retirement system chapter. When the EOCC, pursuant to its duties and authority, determines retirement benefits that become effective for eligible elected officials and those benefits are not already included but are to be a part of this chapter, this chapter shall be amended accordingly.

292.26. Increase in benefits.

- (a) The benefits calculated in Sections 292.21, 292.24 and 292.25 shall be increased as per this subsection. Effective February 1, 1984, benefits for retirant and beneficiaries whose effective date of retirement is before November 4, 1979, shall receive an increase. Such increase shall be calculated by this formula: one percent of the retirant's or beneficiary's benefit on February 1, 1984, times the number of full calendar years between the effective date of retirement and January 1, 1984.

- (b) Except as provided in subsection 292.26(c), The benefits calculated in Sections 292.21, 292.24 and 292.25 shall be increased as per this subsection. Effective February 1, 1987, benefits for retirants and beneficiaries whose effective date of retirement is before November 4, 1982, shall receive an increase. This increase shall be calculated by this formula: three percent times the retirant's or beneficiary's benefit on February 1, 1987.

Effective January 1, 1998 each retirant and beneficiary whose effective date of retirement is before January 1, 1998 and whose retirement allowance is smaller than the minimum retirement allowance provided in this subsection, shall have his or her retirement allowance increased to the minimum retirement allowance. A person affected by Subsection 292.20(f) shall not be eligible for the minimum retirement allowance. A person whose retirement allowance is based on fewer than eight years of credited service, other than persons receiving retirement allowances under Section 292.25 or Section 292.28, shall not be eligible for the minimum retirement allowance. The minimum annual retirement allowance is the product of the point value, described in this subsection, times the sum of:

The number of full years between the retirant's or beneficiary's effective date of retirement and January 1, 1998, plus one and one-half (1 ½) times the number of full years of credited service upon which the retirant's or beneficiary's retirement allowance is based. For a person receiving a retirement allowance provided in Section 292.25 or Section 292.28 a minimum of twenty years of credited service shall be used for purposes of this paragraph.

The point value is one of the following:

For a retirant who elected Option A provided in Section 292.27, or a beneficiary of such a retirant, the point value is \$100.00 times the ratio of the retirant's original Option A retirement allowance divided by the retirant's original straight life retirement allowance; or

For a retirant who elected Option B provided in Section 292.27, the point value is \$100.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For the beneficiary of a retirant who elected Option B provided in Section 292.27, the point value is \$50.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For all other retirant's and beneficiaries the point value is \$100.00. The cost of this minimum retirement allowance provision shall be borne by the December 31, 1997 contingency reserve in the retirement reserve fund. Effective January 1, 1999 and each January 1 thereafter, the retirement allowance will be increased for each retirant and beneficiary who meets both of the following conditions:

The retirant's or beneficiary's effective date of retirement is at least six months prior to the January 1 increase date, and

The retirant has attained the age of sixty years as of the January 1 increase date, or, in the case of a beneficiary the deceased retirant or deceased member would have attained the age of sixty years as of the January 1 increase date.

The retirement allowance increases are cumulative but not compounded. A person affected by Subsection 292.20(f) shall have his or her cumulative retirement allowance increase under this subsection reduced by the retirement allowance increase attributable to the 2.75% benefit formula and the five additional years of credited service provided in Section 292.20(f). A person affected by any early retirement window incentive benefit provision other than the provision in Section 292.20(f) shall have his or her cumulative retirement allowance increase under this subsection reduced by the retirement allowance increase attributable to the early retirement window incentive provision. A person whose retirement allowance is based on fewer than eight years of credited service, other than persons receiving retirement allowances under Section 292.25 or Section 292.28, shall not be eligible for the retirement allowance increases under this subsection. The amount of the annual increase in retirement allowance shall be three percent of the annual retirement allowance that would be payable in the absence of this subsection. However, the maximum annual increase will be one of the following:

For a retirant who elected Option A provided in Section 292.27, or a beneficiary of such a retirant, the maximum annual retirement allowance increase is \$200.00 times the ratio of the retirant's original Option A retirement allowance divided by the retirant's original straight life retirement allowance; or

For a retirant who elected Option B provided in Section 292.27, the maximum annual retirement allowance increase is \$200.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For the beneficiary of a retirant who elected Option B provided in Section 292.27, the maximum annual retirement allowance increase is \$100.00 times the ratio of the retirant's original Option B retirement allowance divided by the retirant's original straight life retirement allowance; or

For all other retirants and beneficiaries the maximum annual retirement allowance increase is \$200.00.

In no event shall the cumulative retirement allowance increase provided in this subsection exceed, on a percentage basis, the cumulative increase in the consumers price index from the effective date of retirement to the January 1 increase date. The cost of the benefits provided in this subsection shall be borne by a portion of the investment income credited to the members benefit fund. Three-eighths (3/8) of the first eight percent investment income that is credited to the members' benefit fund is earmarked for this purpose.

The actuary shall report annually on the sufficiency of the members' benefit fund, based on that report.

The Board of Trustees may from time to time increase, but not decrease. The maximum annual retirement allowance increase amount in this subsection.

- (c) Subsection 292.26(b) shall not apply to a retirant who becomes a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(F).

292.35. Employees' savings fund.

- (a) There is hereby established an employees' savings fund. In it shall be accumulated, at regular interest, the contributions deducted from the compensations of members to provide their annuities, and from it shall be made transfers and refunds of accumulated contributions, as provided in this chapter.

- (b) Until January 1, 1967, the contributions of a member to the retirement system shall be the sum of three percent of the first four thousand, two hundred dollars (\$4,200) of annual compensation plus five percent of the portion, if any, of the annual compensation which is in excess of four thousand, two hundred dollars (\$4,200). Beginning December 31, 1966, each member shall contribute to the retirement system three percent of his or her annual compensation, except as hereinafter provided:

- (1) Beginning with pay periods ending on or after July 1, 1982, each of the following shall not contribute:

- A. A member who is a part-time or full-time elected official; and
- B. A member who is part of the executive pay plan.

- (2) Beginning with pay periods ending on or after July 1, 1982, and through all pay periods ending before July 1, 1983, each of the following shall contribute 1.5 percent of the member's annual compensation:

- A. A member who is unrepresented by a labor union, is not employed on a regular or permanent basis by the District Court, is not employed by the Housing Commission and is not described in paragraph (b)(1) hereof; and
- B. A member who is represented by a union which has entered into a collective bargaining agreement providing for the contribution of not more than 1.5 percent of each member's annual compensation to the employees' savings fund.

- (3) Beginning with pay periods ending on or after July 1, 1983, each of the following shall not contribute:

- A. A member who is unrepresented by a labor union, is not employed on a regular or permanent basis by the District Court and is not described in paragraph (b)(1) hereof; and
- B. A member who is represented by a union which has entered into a collective bargaining agreement which does not provide for its members to make any contribution to the employees' savings fund.

- (4) Beginning with pay periods ending on or after October 1, 1987, teamster supervisory and non-supervisory bargaining unit employees, elected

- officials, exempt and appointed employees and executive pay plan employees, shall contribute 2.5 percent of their wages to the employees' savings fund; effective October 1, 1988, said employees shall contribute 3.0 percent of their wages to the employees' savings fund; effective October 1, 1989, said employees shall contribute 4.0 percent of their wages to the employees' savings fund; effective July 1, 1992, said employees shall contribute 3.0 percent of their wages to the employees' savings fund; beginning with the pay date on or after October 1, 2000, said employees, except elected officials, shall contribute 3.25 percent of their wages to the employees' saving fund; and beginning with the pay date on or after July 1, 2001, elected officials shall contribute 3.25 percent of their wages to the employees' saving fund.
- (5) Beginning with pay periods ending on or after October 1, 1987, District Court exempt employees shall contribute 4.0 percent of their wages to the employees' savings fund; and beginning with the pay date on or after October 1, 2000, said employees shall contribute 4.25 percent of their wages to the employees' saving fund.
- (6) Beginning with the pay date on or after October 1, 2000, district court teamsters shall contribute 3.25 percent of their wages to the employees' saving fund.
- (7) Beginning with pay periods ending on or after December 1, 1989, FOP Parks Security Division employees shall contribute 3.4 percent of their wages to the employees' savings fund.
- (8) Beginning with pay periods ending on or after September 16, 1992, FOP 911 Operators' Division employees shall contribute 4.0 percent of their wages to the employees' savings fund. Effective with the pay period ending August 20, 1994, FOP 911 Operators' Division employees shall contribute 6.0 percent of their wages to the employees' savings fund. Beginning with the pay date on or after May 1, 2001, FOP911 Operators' Division employees shall contribute 6.75 percent of their wages to the employees' saving fund.
- (9) Beginning with the pay date on or after March 1, 2001, UAW employees shall contribute 1.70 percent of their wages to the employees' saving fund.
- (10) Beginning with the first pay date on or after the stated date, every member who is an employee in the stated bargaining unit or employee group classification shall contribute as follows:
- (A) Teamster 580, if a member of the retirement system pursuant to Section 292.14(d), he or she shall contribute 5.5 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (B) Teamster 580, if a member of the retirement system on September 30, 2003, he or she shall contribute 3.5 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (C) Exempt, executive management plan, Teamster 214, mayoral staff and council staff, if a member of the retirement system pursuant to Section 292.14(d), he or she shall contribute 6.5 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (D) Exempt, executive management plan, Teamster 214, mayoral staff and council staff, if a member of the retirement system on September 30, 2003, he or she shall contribute 3.50 percent of his or her wages to the employees' savings fund on or after October 1, 2003.
- (E) District Court exempt and District Court teamster, if a member of the retirement system pursuant to Section 292.14(e), he or she shall contribute 5.5 percent of his or her wages to the employees' savings fund on or after December 1, 2003.
- (F) District Court teamster, if a member of the retirement system on November 30, 2003, he or she shall contribute 3.50 percent of his or her wages to the employees' savings fund on or after December 1, 2003.
- (G) District Court exempt, if a member of the retirement system on November 30, 2003, he or she shall contribute 4.5 percent of his or her wages to the employees' savings fund on or after December 1, 2003.
- 8) FOP 911 OPERATORS' DIVISION, IF A MEMBER OF THE RETIREMENT SYSTEM PURSUANT TO SECTION 292.14(E), HE OR SHE SHALL CONTRIBUTE 6.5 PERCENT (6.5%) OF HIS OR HER WAGES TO THE EMPLOYEES' SAVINGS FUND ON OR AFTER MAY 1, 2004.
- 9) FOP 911 OPERATORS' DIVISION, IF A MEMBER ON APRIL 30, 2004, HE OR SHE SHALL CONTRIBUTE 7.25 PERCENT (7.25%) OF HIS OR HER WAGES TO THE EMPLOYEES' SAVINGS FUND ON OR AFTER MAY 1, 2004.
- (c) The Director of Finance, or other officer responsible for making the payroll, shall cause the contributions provided in subsection (b) hereof to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, so long as the member remains employed by the City, the District Court or the Housing Commission.
- (d) The contributions provided for herein shall be made regardless of the fact that the minimum compensation provided by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of the member's compensation less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except as to benefits provided under this chapter. When deducted, the contributions of each member shall be paid to the retirement system and shall be credited to the member's individual account in the employees' savings fund.
- (e) In addition to the contributions deducted from compensation of a member as hereinbefore provided, a member shall, in order to qualify for prior service credit, deposit in the employees' savings funds, by single payment or by an increased rate of

contribution as determined by the Board, the accumulated contributions, if any, which the member withdrew therefrom, together with regular interest from the date of withdrawal to the date of repayment. Repayment shall be made in accordance with rules which the Board shall from time to time determine. The rules shall not require full repayment prior to the date which is one year following the date of renewed membership, nor shall the rules permit full repayment to extend beyond the date which is four years following the date of renewed membership, or following the effective date of this amendment, whichever is later. If a member dies prior to completion of repayment and leaves a spouse, then the spouse may pay the balance due within sixty days of the member's death. In no case shall any member be given credit for service rendered prior to the date he or she withdrew the accumulated contributions, until he or she repays to the employees' savings fund all amounts due such fund by the member.

- (f) Upon the retirement of a member, his or her accumulated contributions shall be transferred from the employees' savings fund to the retirement reserve fund. At the expiration of a period of five years from and after the date an employee ceases to be a member, any balance standing to the member's credit in the employees' savings fund, unclaimed by such member or the member's legal representative, shall remain a part of the moneys of the retirement system if no retirement allowance will become payable under this chapter on account of the member's employment with the City, the District Court or the Housing Commission.

292.37B. Health insurance fund.

The health insurance fund is hereby created as of January 1, 1998, and shall be the fund for receiving contributions for post-retirement health insurance benefits. The initial balance as of January 1, 1998, shall be \$x,xxx,xxx, which amount is equal to the December 31, 1997, asset receivable allocated to health insurance advance funding from the City's general fund. City contributions, as specified in this section, for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, shall be credited to the health insurance fund. Transfers from the members benefit fund, as specified in Section 292.37A, shall be credited to the health insurance fund. Notwithstanding the provisions of Section 292.43, the health insurance fund shall be credited investment income at a rate consistent with the method used to determine the actuarial value of assets in the annual actuarial report. Premiums or charges, as specified in this section, for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, shall be paid from the health insurance fund.

- (1) Beginning July 1, 1998, the City's annual contribution to the health insurance fund equal the sum of the actuarially computed normal cost for the year plus an amortization of the cumulative net actuarial gains and losses arising from the experience of active members on or after January 1, 1998, using an amortization period adopted by the Board of Trustees for this purpose. However, in no case shall the City's annual contribution to the health insurance fund exceed the limitation imposed by Internal Revenue Code Section 401(h) and the regulations thereunder. The amount, if any, by which the contribution must be reduced, in order to comply with the limitation imposed by Section 401(h), shall instead be contributed to a voluntary employees' beneficiary association established by the City for this purpose.
- (2) Beginning July 1, 1998, and each year thereafter, a portion of the premiums or charges for post-retirement health insurance benefits, including

dental insurance and Medicare reimbursement benefits, may be paid from the health insurance fund on behalf of eligible retirees and beneficiaries of the retirement system in accordance with the applicable collective bargaining agreements and personnel rules of the City. Except for retirees who become eligible pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E) the portion of the premiums or charges that will be paid from the health insurance fund is a percentage of such premiums or charges paid on behalf of persons with retirement effective dates on or after January 1, 1998. The percentage shall be four percent in the fiscal year beginning July 1, 1998, increasing four percent each year thereafter until it reaches one hundred percent for fiscal years beginning on or after July 1, 2022. The amount of premiums or charges paid from the health insurance fund shall be reduced by the amount, if any, paid from a voluntary employees beneficiary association established by the City for this purpose. Notwithstanding the method specified in this subsection to compute the portion of the premiums or charges that are paid from the health insurance fund, the fund balance of the health insurance fund at any point in time is reserved to support the post retirement health insurance benefits, including dental insurance and medicare reimbursement benefits, of all eligible retirees and beneficiaries of the retirement system regardless of retirement effective date.

- (3) Notwithstanding the creation or maintenance within the retirement system of the health insurance fund, this section is not to be construed or deemed to have established or removed any benefits, financial or otherwise, subject to Article IX, Section 24 of the 1963 Constitution of the State of Michigan. Nor shall the creation and maintenance of the health insurance fund preclude the City from giving consideration to and implementing cost containment measures as provided by law. Instead, the purpose of this section is to put in place a mechanism for the advance funding of post-retirement health insurance benefits for eligible retirees, and not, apart from the advance funding obligation, to grant additional rights or to take away any rights which eligible retirees may already have.

292.37C. Retirement health care.

Employees, who are in council staff, mayoral staff, exempt, executive management plan, Teamster 580, Teamster 214, District Court teamster, ~~and~~ District Court exempt AND FOP 911 OPERATORS' DIVISION bargaining units and employee group classifications, and who become a member pursuant to Section 292.14(d), ~~or~~ Section 292.14(e), OR SECTION 292.14(E), shall be entitled to retirement health care, ~~with spousal benefits in the case of a member's death, according to the requirements and funding as set forth in Chapter 293, and PURSUANT TO applicable personnel rules and collective bargaining agreements AND AS PROVIDED BY THE CITY OF LANSING VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION PLAN (A/K/A VEBA), WHICH IS ENTITLED CITY OF LANSING POST EMPLOYMENT HEALTH CARE PLAN AND TRUST. RETIREE'S ELIGIBILITY FOR BENEFITS AND COVERAGE OF SPOUSE AND DEPENDANTS SHALL BE AS CONTAINED IN THE VEBA.~~ The retirement health care benefits provided maybe changed from time to time to be consistent with health care plans available to active City employees in the bargaining unit or employee group classification that the member was in at the time of his or her retirement.

Section 2. All ordinances, resolutions or rules, parts of

ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Regarding the Charter requirement on the frequency of Council Meetings

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Transfer of Funds; State/Federal Programs, 2005 State Homeland Security Grant Program Mutual Aid Box Alarm System-Michigan Server Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Grant Acceptance; Community Oriented Police Services (COPS) Hiring Recovery Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of Mary Jo Adgate of 2260 Tecumseh River Dr.'s application for a permit to construct an unattached 10 by 14 foot deck to existing 20 by 20 foot existing deck; Add two additional support posts on existing carport, and remove and replace existing concrete slab under carport; Approximately 5 cubic yards of fill material will be needed for new carport slab.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Mike Dent, Team Manager of Team Diamond BMX located at 2014 Barritt St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Applications for Community Funding submitted by:

- i. Moores Park Neighborhood Organization for its Kids Carnival held July 31, 2009

RECEIVED AND PLACED ON FILE

- ii. Fabulous Acres Neighborhood Association for its Annual Neighborhood Block Party to be held August 15, 2009

RECEIVED AND PLACED ON FILE

- iii. Old Town Business & Arts Development Association for its 16th Annual Old Town BluesFest to be held September 18-19, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Community Funding Reporting Statement submitted by Old Town Business & Arts Development Association for its JazzFest held August 1-2, 2008 and its BluesFest held September 19-20, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Councilmember Wood

To excuse Councilmember Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach wished Councilmember Jeffries and his wife Ellen a happy 29th wedding anniversary.

Councilmember Jeffries stated that Councilmember Kaltenbach introduced him to his future wife Ellen.

Council President Quinney stated that there will be no Committee of the Whole meeting this Thursday.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

ADJOURNED TIME 8:30 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 10, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries,
Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of August 3, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Councilmember Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Jeffries; remove the following Public Hearing from the Agenda: In consideration of IFT-02-09; Application for Industrial Facilities Tax Exemption Certificate filed by Demmer Corporation for property located at 705 E. Oakland Ave.

SPECIAL CEREMONIES

• Special Ceremonies

1. Presentation: Mayor's Hometown Hero Award to David Miller

Mayor Bernero spoke about David Miller's help in securing and cleaning the Foster Park building after recent vandalism. He stated that David was a wonderful example of a community servant.

Murdock Jemerson, Director of the Parks and Recreation Department, congratulated David on receiving the Mayor's Hometown Hero Award.

David Miller acknowledged his family members present and thanked the Mayor for this honor.

2. Mayoral Presentation; Recognition of the Kellogg Foundation's Promote Academic Success Initiative

Mayor Bernero spoke about the Lansing School District and Michigan State University's partnership for young minorities.

Program mentors spoke about the program, thanked the State of Michigan for all of its help, and passed out certificates to the program participants present.

Mayor Bernero stated that he was proud of each and every participant and praised the partnership.

The students present recited their creed.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Robinson thanked all of the well wishers who sent her cards and called her wishing her a speedy recovery. She spoke about the recent 2nd Saturdays meeting.

Councilmember Wood spoke about the St. Casimir Corn Roast and the OldTown JazzFest.

City Clerk Swope thanked the citizens who voted in last week's Primary Election, as well as the election inspectors. He spoke about the Lansing School District and Lansing Community College school board races on the November ballot and where candidates should sign up for the races. He mentioned that campaign signs are not allowed in the public right-of-way and that such signs did not influence voters in the Primary Election.

Councilmember Allen spoke about the election inspectors and thanked them for all of their hard work.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero congratulated City Clerk Swope on another successful election. He spoke about the "Complete Streets" initiative and the recent OldTown JazzFest. He announced the final Blues on the Square and Concert in the Park events, as well as the upcoming Seniors Activity Fair and the next Mobile Food Pantry.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

2. In consideration of IFT-03-09; Application for Industrial Facilities Tax Exemption Certificate filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

3. In consideration of an Ordinance of the City of Lansing to add Section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities

Councilmember Jeffries gave a brief overview of Public Hearing #2.

Councilmember Robinson gave a brief overview of Public Hearing #3.

William Hubbell of 3916 Wedgewood Dr. spoke in opposition to Revisions to the Lansing City Council Rules.

Lauren Bailey of 928 Farrand St. spoke in support of the "Complete Streets" Ordinance.

Keith Kris of 1611 S. Genesee St. spoke in support of the "Complete Streets" Ordinance.

Keith Wells of 450 West St. spoke in support of the "Complete Streets" Ordinance.

John Lindenmayer of 212 Leslie St. spoke in support of the "Complete Streets" Ordinance.

Jeff Croff of 2521 Kuerbitz Dr. spoke in support of the "Complete Streets" Ordinance.

Melissa Hill of 317 W. Madison St. spoke in support of the "Complete Streets" Ordinance.

Mike Unsworth of 5948 Village Dr, Haslett, spoke in support of the "Complete Streets" Ordinance.

Kirt Livernois of 1861 Burrwood Cir., East Lansing, spoke in support of the "Complete Streets" Ordinance.

Rory Neuner of 907 Britten Ave. spoke in support of the "Complete Streets" Ordinance.

Jon Stanton of 209 E. Front St., Ovid, spoke in support of the "Complete Streets" Ordinance.

Lisa Benck of 611 Sycamore St. spoke in support of the "Complete Streets" Ordinance.

Corie Jason of 1406 Prospect St. spoke in support of the "Complete Streets" Ordinance.

Angela Crouch of 1116 Riley St. spoke in support of the "Complete Streets" Ordinance.

Sarah Schillio of 212 Leslie St. spoke in support of the "Complete Streets" Ordinance.

Jennie Gries of 2004 E. Michigan Ave. spoke in support of the "Complete Streets" Ordinance.

Nancy Krupiarz of 1213 Center St. spoke in support of the "Complete Streets" Ordinance.

M.C. Rothman of 519 Leitram St. spoke in support of the "Complete Streets" Ordinance.

Steve Purchase of 707 Prudden Pl. spoke in support of the "Complete Streets" Ordinance.

Penelope Tsernoglou of 1223 Chartwell Carriage Way, East Lansing, spoke in support of the "Complete Streets" Ordinance.

Tremaine Phillips of 401 S. Washington Ave. spoke in support of the "Complete Streets" Ordinance.

Bob Pena of 2100 Pine St. spoke in support of the "Complete Streets" Ordinance.

Paul Brundelre of 1919 Rockdale Ave., Delta Twp., spoke in support of the "Complete Streets" Ordinance.

Lina Chapman of 605 S. Holmes Rd. spoke in support of the "Complete Streets" Ordinance.

Sarah Mullkoff of 319 Jones St. spoke in support of the "Complete Streets" Ordinance.

Linda Appling of 401 Thackin Dr. spoke in support of the "Complete Streets" Ordinance.

Randall Juras of 931 Cleveland St. spoke in support of the "Complete Streets" Ordinance.

Anna Jefferson of 931 Cleveland St. spoke in support of the "Complete Streets" Ordinance.

Jessica Yorko of 815 Bancroft Ct. spoke in support of the "Complete Streets" Ordinance.

Loretta Stanaway of 546 Armstrong Rd. stated concerns with the "Complete Streets" Ordinance.

Tyson Cowles of 5711 Hilliard Rd. spoke in support of the "Complete Streets" Ordinance.

David Riddle of 2114 E. Kalamazoo St. Spoke in opposition to the "Complete Streets" Ordinance.

Willy Williams of P.O. Box 11042 spoke in support of the "Complete Streets" Ordinance. He also spoke about Revisions to the Lansing City Council Rules.

Lyndon Babcock of 2115 E. Provincial House Dr. spoke in support of the "Complete Streets" Ordinance.

Felicia Wasson of 226 Cloverland Dr. spoke in support of the "Complete Streets" Ordinance.

Chris Corlew of 6920 Runtic, Ft. Wayne, IN., spoke in support of the Application for Industrial Facilities Tax Exemption Certificate filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

Karen White of 800 Bancroft Ct. spoke in support of the "Complete Streets" Ordinance.

Leigh Fifelski of 727 N. Capitol Ave. spoke in support of the "Complete Streets" Ordinance.

William Wheeler of 1915 Old Oakland Ave. stated concerns with the "Complete Streets" Ordinance.

H King of 1563 N. High St. stated concerns with the "Complete Streets" Ordinance.

Stephen Sinas of 227 Marshall St. spoke in support of the "Complete Streets" Ordinance.

Bob Gray of 422 Dadson Dr. spoke in opposition to the "Complete Streets" Ordinance.

Charlene Decker of 2711 Pleasant Grove Rd. stated concerns with the "Complete Streets" Ordinance.

John Pollard of 1718 Blair St. spoke in opposition to the "Complete Streets" Ordinance and in opposition to the Application for Industrial Facilities Tax Exemption Certificate filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. stated concerns with the "Complete Streets" Ordinance and the Application for Industrial Facilities Tax Exemption Certificate filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

Linda Weeks of 3115 N. Cambridge Rd. spoke in support of the "Complete Streets" Ordinance.

Oren Kennedy of 418 N. Fairview Ave. spoke in support of the "Complete Streets" Ordinance.

Shirley Saylor of 6151 McNeil Rd., St. Johns, spoke in support of the "Complete Streets" Ordinance.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of IFT-03-09; Application for Industrial Facilities Tax Exemption Certificate filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an Ordinance of the City of Lansing to add Section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities

REFERRED TO THE COMMITTEE OF THE WHOLE

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Loretta Stanaway of 546 Armstrong Rd. spoke about Revisions to the Lansing City Council Rules.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

David Riddle of 2114 E. Kalamazoo St. spoke about community policing.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

H King of 1563 N. High St. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-295

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 1023 E. Grand River, Parcel # 33-01-01-10-176-371 and Legal Description: W 66 Ft Lot 6 Highland Park to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on September 12, 2005, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on June 25, 2009, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, August 31, 2009, at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 1023 E. Grand River to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-296

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 1025 E. Grand River, Parcel # 33-01-01-10-176-391 and Legal Description: Lot 2 Highland Park to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on March 7, 2007, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on June 25, 2009, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, August 31, 2009, at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 1025 E. Grand River to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-297

BY THE COUNCILMEMBER ERIC HEWITT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the term for John Folkers, First Ward representative on the Board of Ethics, expired on June 30, 2009; and

WHEREAS, the First Ward Councilmember Eric Hewitt has recommended the reappointment of John Folkers of 2700 Darien, Lansing, Michigan 48912;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, reappoints John Folkers to the Board of Ethics, First Ward position, term to expire June 30, 2013.

By Councilmember Hewitt

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Councilmember Hewitt

To place an affirmative roll on the substitute resolution

Motion Carried

THIS ITEM WAS LAID OVER UNDER THE RULES

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee General Services (the Committee) met over an extended period of time to consider a comprehensive review of and revision to the City Council Rules (the Rules), last amended September 11, 2006; and

WHEREAS, on July 27, 2009, the Committee finalized its review of a series of proposed revisions to the Rules; and

WHEREAS, pursuant to Rule 17 of the current Rules, the Committee has jurisdiction to "review and prepare amendments or revisions to Council

Rules"; and

WHEREAS, the Committee has unanimously recommended proposed revisions to the City Council; and

WHEREAS, pursuant to Rule 42 of the current Rules, the proposed revisions shall be placed on the Agenda for Council receipt and review, but "shall not be considered for adoption sooner than the next Council meeting"; and

WHEREAS, the Committee's recommended revisions were placed on the Council Agenda for receipt at the August 10, 2009, Council meeting and maybe considered for adoption at the August 17, 2009, Council meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the City Council Rules, which are fully set forth below.

BE IT FURTHER RESOLVED that the City Council Rules, as amended pursuant to this Resolution, shall be kept on file in the Office of the City Clerk, and the City Clerk shall make copies thereof available to City Council, the Administration, and the public.

By Councilmember Kaltenbach

To adopt the resolution

Pursuant to Council Rules, the motion will lie over to a future Council meeting.

DRAFT #3 (June 22, 2009)

LANSING CITY COUNCIL RULES
(As amended on _____)

Rule 1. Sessions of Council. Regular meetings of Council, unless otherwise set forth by resolution of City Council, shall be held on Monday evenings of each week at a time, place and date to be set by resolution of Council. Special meetings may be called as provided in Section 3-202 of the City Charter.

Rule 2. Quorum; Attendance; Call of Council. Five members of Council shall constitute a quorum for the transaction of business, but a lesser number may compel the attendance of absentees or adjourn any meeting or hearing until a later date.

No Council member shall absent himself or herself from the Council meeting without first having obtained leave from the Presiding Officer. The Presiding Officer may revoke leaves of absence at any time.

A call of Council may be ordered by the majority of Council members present, whether a quorum or not, and in pursuance thereof, the Chief of Police, or any other person duly authorized by a majority of the Council members present and voting, may be dispatched for, and take into custody and bring before Council any Council members absent without leave.

THE PRESIDENT - POWERS AND DUTIES

Rule 3. Presiding at Sessions. The President of Council shall preside over all sessions of Council, or, in his or her absence, the Vice President shall preside. If both the President and Vice President are temporarily absent, then the most recent past President shall preside as Acting President.

Rule 4. Appointment of Committee Members; Creation of Ad-Hoc Committees. The President shall appoint all Council members to the standing committees, any Council ad-hoc advisory committee and to any outside agency (see Section 3-102.6 of the City Charter). The President shall appoint the Chairperson and Vice-Chairperson of each standing committee and any ad-hoc advisory committee. Each standing committee

of City Council shall consist of three Council members. The President may, at his or her discretion, create or discharge any ad-hoc advisory committees.

Rule 5. Staff Operations. The President of Council shall be responsible for Council staff operations. The President may, at any time, delegate in writing the responsibility for Council staff operations to the Vice President.

THE CLERK'S DUTIES

Rule 6. Calling the Roll and Noting Absentees. The Clerk, or his or her Deputy Clerk, shall call the roll at the opening of each meeting of Council and announce whether or not a quorum is present. He or she shall announce the names of the Council members absent and enter the names of all absentees upon the record of proceedings.

Rule 7. Notice by the Clerk. The Clerk shall give notice, in writing, to committees, members of Council and City officers concerning the agenda items which have been referred to them by City Council.

Rule 8. Preparation of Agenda. The Clerk's office shall prepare and provide copies of packets to Council and the Mayor of an agenda of business to be considered at each regularly scheduled Council meeting and any special meetings of City Council. No item of business shall be placed on the agenda for a regular meeting of Council unless the original document, annotated with such approvals as may be required, has been presented for filing in the office of the Clerk by 4:00 p.m. on the Thursday immediately preceding the day of the Council meeting. The agenda for each such meeting shall be posted in the lobby of City Hall and Council Chambers not later than eighteen hours prior to the time of each such meeting, and at such other places as Council may deem appropriate.

Rule 9. Items Upon Agenda; Designated Items for Action. Any item of business not placed upon the Council agenda in accordance with the terms of Section 3-103.2 of the City Charter and the provisions of these Rules shall not be considered at any meeting of Council, unless this Rule is suspended by the affirmative vote of six members of Council. Individual Council members or committees may sponsor resolutions or ordinances (except initiatives and referendums presented by the citizenry) and place them on the Council agenda.

Resolutions may be sponsored by the Committee of the Whole if placed on the Council agenda by the President, or, in the President's absence, the Vice President, or by any four Council members when their names are typed at the top of each resolution so sponsored. Committee reports may be sponsored and placed on the Council agenda by committee Chairpersons or by any two members of the appropriate committees. Any committee report can be removed from the Council agenda at the committee Chairperson's discretion. City Council staff shall inform the Clerk's office of those items upon which action is to occur at the Council meeting. The Clerk's office shall be responsible for designating those items which are on the Council agenda for action.

Rule 10. Consent Agenda. In preparing the agenda, the Clerk's office shall place all Legislative Matters, except for those requiring more than five votes or a roll call vote, on the Consent Agenda.

All Legislative Matters on the Consent Agenda may be acted upon in one vote; provided, however, that any Council member may identify specific items that are not to be included in the single Consent Agenda vote, but which are to be discussed and voted upon separately. These items shall be removed from the Consent Agenda. Items removed from the Consent Agenda are to be considered as part of the regular portion of the meeting to which they relate.

SERGEANT-AT-ARMS

Rule 11. Powers and Duties. A police officer shall be present at all meetings of Council. The police officer shall be under the direction of the Presiding Officer, shall serve as security and as Sergeant-at-Arms of

Council and shall have general charge and supervision of the Council Chambers, Council member offices, committee rooms, Council staff offices and work areas and all connecting hallways and passages.

COUNCIL MEMBERS

Rule 12. Speaking. When a Council member desires to speak, he or she shall first address the Chair. Debate shall be governed by Mason's Manual of Legislative Procedure, except where superseded by these Rules. When the Presiding Officer desires to speak on any agenda item identified as an action item, he or she shall turn over the Chair to the Vice Chair.

Rule 13. Compulsory Vote; Conflict of Interest. Each member of the Council shall vote on each question before the Council for a determination, unless excused therefrom by the affirmative vote of two-thirds of the members serving, except that no member shall vote on any question upon which that member has a conflict of interest or a financial interest other than as a citizen of the City. If a conflict of interest question is raised under this section at any Council meeting, such question shall be determined by a majority those Council members present and qualified to vote before the main question shall be voted on, but the Council member affected shall not vote on such determination.

Rule 14. Important Items; Vote Requested. Any matter of business requiring the vote of more than five members of Council, which is defeated at a meeting at which all members of Council are not present, may be reconsidered at either of the first two meetings thereafter.

ORDER OF BUSINESS

Rule 15. Generally. The order of business of the City Council shall be on a printed agenda prepared by the City Clerk. The order of business for Council meetings shall be as follows:

1. Roll Call;
2. Meditation and Pledge of Allegiance;
3. Reading and approval of printed Council Proceedings;
4. Consideration of Late Items (Late items are to be considered as part of the regular portion of the meeting to which they relate);
5. Tabled Items, if any (Tabled items are to be considered as part of the regular portion of the meeting to which they relate);
6. Special Ceremonies;
7. Comments by Council members and City Clerk
8. Community Event Announcements (Time, Place, Purpose, or Definition of Event – 1 min.
9. Speaker registration for public comment on Legislative Matters;
- The Clerk or his or her designee will announce that the public comment registration form(s) for those intending to address Council on legislative matters will be collected;
10. Mayor's Comments;
11. Show Cause Hearings;

Only persons who have received notice from the City as an interested party, or the interested party's agent with written permission, may speak on the agenda item which is the subject of a show cause hearing, for up to a total of 3 minutes.

12. Public Comment on Legislative Matters;

Comment on legislative matters consists of the following items as listed on the agenda: Public Hearings (other than show cause hearings), Consent Agenda Items, Resolutions, Ordinances for Introduction, and Ordinances for Passage.

Each member of the public who has registered to speak will have up to a total of three minutes to address Council on legislative matters. The Presiding Officer may reduce the amount of time allowed for each speaker if he or she determines that the number of registered speakers is so numerous that the meeting cannot be timely concluded without a reduction in the time allocated for each speaker.

13. Council Consideration of Legislative Matters;

Council will consider its agenda and legislative matters in the following order:

- a) Referral of Public Hearings;
- b) Consent Agenda;
- c) Resolutions for Action;
- d) Reports from Council Committees;
- e) Ordinances for Introduction and Setting of Public Hearings;
- f) Ordinances for Passage.

14. Speaker Registration for Public Comment on City Government Related Matters;

The Clerk or his or her designee will announce that the public comment registration form(s) for those intending to address council on City Government Related Matters will be collected;

15. Reports from City Officers or Boards and Commissions, Communications, Petitions, and other City Government Related Matters.

16. Motion of Excused Absence;

17. Remarks by Council members;

18. Remarks by the Mayor or Executive Assistant;

19. Public Comment on City Government Related Matters;

Each member of the public who has registered to speak will have up to a total of three minutes to address Council on City Government Related Matters that concern them. A City Government Related Matter is an issue or topic relevant to the operation or governance of the City. The Presiding Officer may reduce the amount of time for each speaker if he or she determines that the number of registered speakers is so numerous that the meeting cannot be timely concluded without a reduction in the time allocated for each speaker. Broadcasting of City Council meetings shall discontinue following Remarks by the Mayor or Executive Assistant. City TV staff shall be excused at this time to more efficiently manage City resources.

20. Adjournment.

Rule 16. Standing Committees. The standing committees of Council and their functions are as follows:

Development and Planning. Reviews economic development matters, E.D.C. projects and the five-year plan covering development goals, policies, services and overall direction; reviews all matters having to do with land use, including zoning, plats and historical designations; reviews proposed modifications to the Master Plan; reviews acquisition and

disposition of public property; and reviews changes to C.D.B.G. programming.

General Services. Reviews licensing and regulation matters; personnel matters and human services; reviews matters pertaining to the arts, cultural and community-wide activities; special events and leisure time programs; has general oversight of City government operations (except those more specifically covered by another standing committee); reviews and prepares amendments or revisions to Council Rules; and develops policies that would turn over routine matters to the Administration wherever possible.

Intergovernmental Relations. Represents Council in outreach efforts to improve working relationship with other political entities, with regional agencies and, internally, with such bodies as the Board of Water and Light, the Housing Commission, and the Entertainment and Public Facilities Authority. Its primary charge is to lead in the exploration of intergovernmental cooperation, toward provision of needed services in the best manner by the most appropriate jurisdiction with the least duplication of effort, to include specific emphasis on achieving a regional approach to various issues.

Public Safety. Reviews service levels and issues related to public safety, including police, fire, ambulance, emergency services, traffic environment and the building inspection program.

Public Services. Reviews all matters pertaining to wastewater treatment, sewer and street needs, long range infrastructure and parks and recreation needs and development and the Municipal parking system, including parking enforcement and policies.

Ways and Means. Reviews all proposed modifications to the City's annual Budget and program audits prepared by the Internal Auditor, the City's short-range and long-range financial condition, workforce needs for City operations and financial impact statements developed on proposed actions; and reviews and develops policy recommendations on City financial and budget matters.

Council Personnel. This committee shall be comprised of four members and shall include the president, the vice-president, one at-large councilperson, and one ward councilperson. The vice-president shall serve as chair of the committee.

The Committee on Council Personnel shall consider, study and recommend with respect to the following council staff matters: recruitment; selection; discipline; performance evaluations; job descriptions; policy and procedure manual development; any other personnel matter referred to it by the council.

Except as may otherwise be provided herein, the President shall appoint a Chairperson and Vice Chairperson of each standing committee. In the temporary absence of the Chairperson, the Vice Chairperson shall act as Chairperson. The standing committees' functions shall be reviewed by the Council President and shall be adopted by resolution of Council during January of each year.

Rule 17. Duties of Committees. Quorum. Discharge of Committees. All committees appointed by Council shall thoroughly investigate such matters as are referred to them and report their findings in a timely manner.

All committees appointed by Council, other than standing committees, shall have a fixed term of life and shall expire at such times unless extended by a majority vote of Council.

A quorum of a committee shall be a majority of the committee members serving.

A committee shall be discharged of any matter referred to it by an affirmative vote of two-thirds of the Council members at the Committee of the Whole or City Council meeting.

No Council committee, ad-hoc or standing, shall meet during a session of Council unless prior permission has been granted by Council. Any Council committee, ad-hoc, standing or Committee of the Whole, shall follow these Rules and Mason's Manual of Legislative Procedure whenever applicable. Every committee, standing or ad-hoc, shall provide an opportunity for the public to speak on items designated for action by the committee. The Chairperson of each committee, standing or ad-hoc, shall be responsible for setting and enforcing the rules governing public comment at his or her committee.

Rule 18. Rules of Decorum for Meetings. The Presiding Officer shall conduct Council meetings in an orderly manner. Members of Council and others in attendance shall obey directions of the Presiding Officer. Citizens and others attending Council meetings may address Council as specified in this Rule and Rule 14. Speakers will be requested to print their name, address, and the topic to be addressed on the appropriate registration form (Legislative or City Government Related Matters). The forms will be used to call speakers to the podium, allow Council members to determine if the speaker is from his or her Ward, and to assist in the accuracy of recording Council Proceedings.

Council meetings are business meetings. Their purpose is to conduct the City's business. Public speaking at the Council meeting is to provide citizens the opportunity to be heard, express their views, and inform the Council and the Administration. In no case is the opportunity of a citizen to speak to be in the nature of a debate and neither the Council nor the Administration is under any obligation to respond specifically to any speaker. All remarks shall be addressed to the Council, the Mayor, and Administration representatives through the Presiding Officer. Individual Council members, the Mayor, or representatives of the Administration present shall address the Presiding Officer for permission to inquire of speakers or members of the audience whenever he or she deems that such an inquiry may be helpful to City business.

No speaker called upon to speak shall by speech or conduct disturb, disrupt, delay, interfere with, or otherwise impede the orderly conduct of the Council meeting. Speakers shall adhere to the time limits established by these Rules and the Presiding Officer. Extension of a speaker's time limit is permissible at the discretion of the Presiding Officer; or on a motion of a Council member, by affirmative vote of two-thirds of the Council members serving.

No person in the audience at a Council meeting shall engage in speech or conduct which disturbs, disrupts, delays, interferes with or otherwise impedes the orderly conduct of the Council meeting, including, but not limited to whistling, stomping, clapping other than during special ceremonies, interrupting a speaker, or heckling.

The Presiding Officer may rule any member of the public who is a speaker, meeting attendee, or audience member out of order for failing to follow Council's Rules or the Presiding Officer's directions, and may take whatever action is necessary to restore order to the meeting.

ADOPTION OF ORDINANCES

Rule 19. Introduction; Consideration. Ordinances may be introduced by Council members at any regular meeting of Council in the regular order of business. All ordinances must be in writing and shall be approved as to form and section numbers by the City Attorney.

The regular order for consideration of ordinance proposals shall be:

- 1) Introduction, first reading by title;
- 2) Referral to the appropriate committee;

- 3) Public hearing on the ordinance scheduled by Council, which hearing shall be scheduled to be held not sooner than five days after notice of the hearing is posted on City bulletin boards; and
- 4) Second reading by title and passage.

These four steps shall take place in not less than two regular meetings of Council. This Rule shall not be suspended except by the affirmative vote of six Council members.

Rule 20. Manner of Introduction; Form. In each ordinance amending an existing ordinance, changes or new matter shall be placed in capital type, and matter which has been omitted shall be indicated by printing in stricken through type. Every ordinance shall have endorsed thereon the name of the Council member introducing it. In the drafting of proposed ordinances, the lines on each page shall be numbered consecutively. The City Clerk's office shall meet reasonable requests for copies. They shall not be printed in Official Proceedings of the City Council of the City of Lansing until they are finally enacted.

Rule 21. First Reading, Referral and Report. All ordinances, on introduction, shall be read by title and shall be referred to the appropriate committee.

Rule 22. Readings. Every ordinance shall receive two readings by title previous to its being passed, and no ordinance shall be amended or committed until it has been read by title once..

Rule 23. Amendment at Final Reading. A vote of five Council members is required to adopt any amendment at the second reading of any ordinance recommended for passage.

Rule 24. Commitment Before Final Passage. It shall be in order at any time before the final passage of any ordinance to move its commitment or recommitment.

Rule 25. Final Vote; Publication. On final passage of all ordinances, the vote shall be taken by yeas and nays and entered upon the record of proceedings. No ordinance shall be declared passed unless five or more Council members have voted therefor. Upon passage, all ordinances shall be published in a newspaper of general circulation within the City with notice of their passage.

COMMITTEE OF THE WHOLE

Rule 26. Chairperson of Committee. When Council resolves itself into a Committee of the Whole, the President shall preside, except that in his or her absence, the Vice President shall preside. In the absence of both the President and the Vice President, the most recent past President of Council shall preside.

Rule 27. Rules in Committee. The Rules of Council shall be observed in the Committee of the Whole except for limiting debate and moving to vote immediately. A motion that the Committee rise shall always be in order and shall be decided without debate. Motions recommending action by Council shall take precedence in the same order as analogous motions in Council. A motion to reconsider shall be in order in the Committee of the Whole.

MOTIONS AND RESOLUTIONS

Rule 28. Statement; Reduction to Writing; Withdrawal. No motion or resolution shall be adopted until stated by the Chair. A motion shall be reduced to writing if required by any Council member, and, when presented in writing, shall be read by the Clerk before the same shall be open to debate. A resolution shall always be reduced to writing before being adopted. A request by any Council member for a reasonable recess to reduce a motion or resolution to writing shall always be in order and shall be granted. Any motion or resolution may be withdrawn by the sponsor at any time before decision or amendment.

Rule 29. Precedence of Motions. When a question is under debate, no motion shall be received except:

- 1) To adjourn;
- 2) To take a recess;
- 3) To lay on the table;
- 4) Call to question;
- 5) To postpone to a day certain;
- 6) To refer or re-refer;
- 7) To amend; or
- 8) To postpone indefinitely.

Such motions shall take precedence in the order in which they appear above.

Rule 30. Motion to Adjourn; Nondebatable Motions. A motion to adjourn shall always be in order. A motion to adjourn, to recess, to lay upon the table or to vote immediately, and all questions relating to the priority of business, shall be decided without debate.

Rule 31. Motion to Lay on the Table. A decision to lay upon the table shall carry with it all questions to which it is attached, except in the case of laying an appeal (as explained in Rule 40) on the table.

Rule 32. Indefinite Postponement. A motion to postpone indefinitely the further consideration of any ordinance, motion, resolution or other matter shall require the votes of five Council members to carry it, and the vote upon such a motion shall not be reconsidered. A motion to lay on the table, or a motion to reconsider the vote by which any ordinance, motion or resolution has failed to pass Council, if agreed to, shall have the effect of postponing indefinitely the consideration hereof, and shall require the votes of five Council members to carry it.

Rule 33. Reconsideration. When a question has been once decided, it shall be in order for any Council member to move the reconsideration thereof, but no motion for reconsideration shall be in order unless made on the same day the vote was taken, or at the next regular meeting of Council. No question shall be reconsidered more than once. A motion to reconsider the vote by which any ordinance, motion or resolution has passed Council shall require the votes of five Council members to carry it.

Rule 34. Effect of Tabling Motion to Reconsider. It shall not be in order to take from the table a motion to reconsider, nor shall the vote whereby any motion to reconsider was laid on the table be reconsidered.

MISCELLANEOUS

Rule 35. Division of Question. Any Council member may call for a division of any pending question, which shall be divided if it comprehends propositions so distinct that if one is taken away, a substantive proposition shall remain.

Rule 36. Roll Call Vote. The affirmative and negative votes shall be taken and recorded on all ordinances, and whenever requested by one or more Council members, on any other matter.

Rule 37. Other Business Cannot Interrupt Roll Call. When the yeas and nays are demanded upon any question, and after the question is stated by the Chair, the Clerk is directed to call the roll. After the first vote is given, no Council member shall be entitled to speak on the question, nor shall any motion be in order until such roll call is completed and the result declared.

Rule 38. Appeals. Any Council member may appeal from any decision of the Chair. On all appeals the question shall be: "shall the decision of the Chair stand as the judgment of Council?" Appeals shall be debatable except when Council is under operation of the order to vote immediately, or when the decision appealed from relates to the priority of business.

Rule 39. Laying Appeal Upon the Table. Any appeal may be laid upon the table, but it shall not carry with it the subject matter before Council at the time such appeal is taken.

Rule 40. Suspension of Rules. Any Rule may be suspended by a vote of six Council members.

Rule 41. Amendment; Repeal and Re-Adoption of Rules. A motion to amend or repeal any Council Rule shall require the votes of five Council members. These Rules may be revised or amended and re-adopted by Council as it deems appropriate. A motion made under this Rule shall not be considered for adoption sooner than the next Council meeting.

Rule 42. Parliamentary Practice. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern in all cases in which they are not inconsistent with the standing Rules and orders of Council or the City Charter during all meetings of Council and its committees and committees appointed by Council.

Rule 43. Closed Sessions. Council may meet in Closed Session pursuant to and consistent with the Michigan Open Meetings Act.

A closed session may be requested by the Mayor, the President or any two Council members at any regular or special meeting. The person requesting a closed session shall state the purpose of such session. The stated purpose of the closed session shall constitute the only agenda item(s) for the closed session.

Whenever Council enters a closed session in the tenth floor Conference Room of City Hall, all persons not required for the closed session shall immediately leave the Conference Room and clear adjacent areas. The Council lobby shall be the nearest congregating area for those waiting to re-enter the meeting upon completion of the closed session when the closed session is held in the tenth floor Conference Room of City Hall.

Rule 44. Council Parking. Each member of Council shall have a permanently assigned parking space in the basement of City Hall. These parking bays shall be nonassignable and shall be used exclusively by the Council members unless prior approval has been given by that Council member.

Rule 45. Compensation of Judges. If Council is requested or desires to appropriate money for the purpose of increasing the salary level of the Judges of the 54-A District Court, before action is taken thereon, the President of Council shall appoint an ad-hoc citizens advisory committee of five members, which committee shall examine the Judges' salaries and any proposals to raise them and recommend to Council what, if any, increase is appropriate. Council shall consider the recommendation of the committee in determining what, if any, increase in the Judges' salaries should be granted.

Rule 46. Physical Presence Required. A member of Council must be physically present at any Council meeting, any Committee of the Whole meeting, any standing Council meeting or any special ad-hoc Council meeting, in order to vote or be counted as part of a quorum.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Z-4-2009; Planning Board recommendations regarding a request filed by Peckham, Inc. to rezone a 200 foot wide strip of property along the west edge of the site at 2511 N. Martin Luther King, Jr. Blvd. from "A" Residential district to "H" Light Industrial district for the purpose to permit additional parking

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Public Improvement III; Curb and Gutter, Storm Sewer and Drive Approach for all lands fronting Raymond Dr. from Grand River Ave. to the north end, and Bliesener St. from west of Picardy St. to Pheasant Ave., excepting all public streets and alleys and other lands deemed not benefited, and request for a Public Hearing

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- iii. Ratification of FOP Capitol City Lodge #1141, 911 Operators Unit Contract

REFERRED TO THE COMMITTEE OF THE WHOLE

- iv. Transfer of Funds; Other Funds, Police

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- v. Transfer of Funds; State/Federal Programs, Gang Resistance (GREAT) Subgrant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- vi. Transfer of Funds; State/Federal Programs, Gang Resistance (GREAT) Subgrant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- vii. Transfer of Funds; Other Funds, Police

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- Communications and Petitions, and Other City Related Matters:

- a. Application for Community Funding submitted by On the Boulevard Business Association for its Barbeque on the Boulevard to be held September 12, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

ADJOURNED TIME 10:09 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 17, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of August 10, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Dunbar; Setting a Public Hearing for August 31, 2009 in consideration of Public Improvement III; Curband Gutter, Storm Sewer and Drive Approach for all lands fronting Raymond Dr. from Grand River Ave. to the north end, and Bliesener St. from west of Picardy St. to Pheasant Ave., excepting all public streets and alleys and other lands deemed not benefited

SPECIAL CEREMONIES

Special Ceremonies

1. Presentation; Mayor's Hometown Hero Award to Marscott Park Neighborhood Watch Volunteers

Mayor Bernero spoke about the efforts of the Marscott Park Neighborhood Watch Volunteers and thanked the volunteers for all of their work throughout the years.

Councilmember Allen congratulated the volunteers on receiving this honor.

Lynn Campbell stated that she appreciated the recognition and encouraged citizens to get involved.

Mayor Bernero passed out awards to the volunteers present.

2. Presentation; Mayor's Hometown Hero Award to Nikki Schippel

Mayor Bernero stated that Nikki put together the Westside Guide of History and thanked all of those who worked on the project.

Nikki Schippel thanked Jessica Yorko for her involvement in the project and she spoke about her research efforts.

Jessica Yorko spoke about the reasons for the Westside tour.

Mayor Bernero stated that there was no city involvement in the project and emphasized that this was a grass roots effort.

Councilmember Kaltenbach spoke about the Westside Home Tour and the many families on the Westside that have been long-term residents.

Council President Quinney thanked Jessica Yorko and Nikki Schippel for their efforts related to this project.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Robinson announced the next Churchill Downs neighborhood meeting and the Barbecue on the Boulevard event.

Councilmember Wood announced the next Foster Your Neighborhood and Prospect Protectors neighborhood meetings. She also announced the Lansing Police Department's Law Enforcement Torch Midnight Run event.

Councilmember Dunbar announced the Southside Community Showcase. She thanked those involved in the Richard Park improvement for kids, and she stated that she dislocated her shoulder.

Councilmember Allen announced the next Old Everett neighborhood meeting.

City Clerk Swope stated that the voter history from the August Primary Election had been completed and spoke about several statistical items, such as the fact that younger voters are severely underrepresented. He spoke about the November General election and the Lansing Community College and the Lansing School District races on the ballot. He also stated that additional election results have been posted on his website.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero stated that the Simken Dr. and Orchard Ct. Make Safe or Demolish properties have their demolitions underway. He spoke about several items on tonight's agenda including the "Complete Streets" Ordinance and the Ratification of the FOP Capitol City Lodge #1141, 911 Operators Unit Contract. He spoke about the recent Mobile Food Pantry and issues related to the Deluxe Inn property. He announced that Christopher Mumby and Craig Wilson are recent Employee of the Month recipients.

Councilmember Allen acknowledged her involvement in the Simken Dr. and Orchard Ct. Make Safe or Demolish properties' demolitions.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Z-1-2009; 1141 N. Pine Street, a request from the Ingham County Land Bank to rezone the property located at 1141 N. Pine St. from "B" Residential District to "D-1" Professional Office District to permit the building at this location to be used for professional and business offices
2. In consideration of Z-3-2009; 1114 W. Ionia St., a request from Rickey Cotton to rezone the property located at 1114 W. Ionia Street from "B" Residential District to "C" Residential District to permit the building at this location to be used for a duplex

Councilmember Jeffries gave a brief overview of the Public Hearings.

William Hubbell of 3916 Wedgewood Dr. spoke in opposition to the "Complete Streets" Ordinance.

Debbie DeLeon of 1943 Wood St. spoke in support of Z-1-2009.

Gene Townsend of 1219 ½ Turner St. spoke in support of Z-1-2009.

David Riddle of 2114 E. Kalamazoo St. spoke in opposition to the "Complete Streets" Ordinance.

Loretta Stanaway of 546 Armstrong Rd. spoke in opposition to the "Complete Streets" Ordinance.

Russell Terry of 121 E. Mt. Hope St. spoke about various legislative matters.

Willy Williams of P.O. Box 11042 spoke in support of the "Complete Streets" Ordinance and Z-1-2009.

Kathi Raffone of 1221 Muskegon Ave. spoke in opposition to the "Complete Streets" Ordinance.

John Pollard of 1718 Blair St. spoke about the rescinding of NEZ certificates and the "Complete Streets" Ordinance.

Catherine Mercer of 4530 Sycamore St., Holt, spoke in support of Z-3-2009.

Charlene Decker of 2711 Pleasant Grove Rd. stated concerns with the "Complete Streets" Ordinance and in opposition to an application for a new SDM license submitted by Walgreen Co. to be located at 3404 S. Martin Luther King, Jr. Blvd.

Richard Clement of P.O. Box 26123 stated concerns with the "Complete Streets" Ordinance.

Stan Shuck of 818 Cooper Ave. spoke about Revisions to the Lansing City Council Rules.

Gary Andrews of 560 Brookland Blvd. spoke about Revisions to the Lansing City Council Rules.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Z-1-2009; 1141 N. Pine Street, a request from the Ingham County Land Bank to rezone the property located at 1141 N. Pine St. from "B" Residential District to "D-1" Professional Office District to permit the building at this location to be used for professional and business offices

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of Z-3-2009; 1114 W. Ionia St., a request from Rickey Cotton to rezone the property located at 1114 W. Ionia Street from "B" Residential District to "C" Residential District to permit the building at this location to be used for a duplex

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Michael Morofsky of 1300 Woodbine Ave. spoke about cigarettes sold to minors.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Walter Brown of 1310 Knollwood Ave. spoke about surveillance cameras.

Loretta Stanaway of 546 Armstrong Rd. spoke about Revisions to the Lansing City Council Rules.

John Pollard of 1718 Blair St. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Barden Sherman of 841 W. Thomas L. Parkway, Delta Twp. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Richard Clement of P.O. Box 26123 spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Gary Andrews of 560 Brookland Blvd. spoke about history repeating.

Mary Prince of 2116 Ferrol St. spoke about Lansing Cares and food needs.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-298

BY THE COUNCILMEMBER KATHIE DUNBAR
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT III

WHEREAS, pursuant to the Public Improvement II, Resolution 510, adopted by this council on September 22, 2008, the City Assessor has completed the assessment roll for curb and gutter and necessary drainage facilities for an existing gravel street, and furnished the following information:

PROJECT TITLE: 2009 - RAYMOND DRIVE AND BLIESENER
STREET CONSTRUCTION,
PS # 01104, B/10/005

PROPERTY BENEFITTED
CURB AND GUTTER,
STORM SEWER AND
DRIVE APPROACH:

All lands fronting on Raymond Drive from Grand River Ave to the north end, and Bliesener Street from west of Picardy to Pheasant Avenue, excepting all public streets and alleys and other land deemed not benefited.

THE ENGINEER'S ESTIMATE, COST OF IMPROVEMENTS:

Assessment Roll Number ***		City Contribution	Assessable to Property Owner
Raymond Drive	Curb & Gutter Costs	\$0.00	\$18,310.14
	Storm Sewer Costs	\$0.00	\$42,694.26
	Drive Approach Costs	\$0.00	\$4,157.10
	Other Costs	\$73,428.25	\$0.00
Total		\$73,428.25	\$65,161.50

Assessment Roll Number ***		City Contribution	Assessable to Property Owner
Bliesener Street	Curb & Gutter Costs	\$3,191.99	\$19,864.74
	Storm Sewer Costs	\$0.00	45,658.68
	Drive Approach Costs	\$0.00	10,862.10
	Other Costs	\$78,855.29	\$0.00
Total		\$82,047.28	\$76,385.52

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on **Monday, August 31, 2009**, at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FURTHER RESOLVED that the City Clerk and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City, not more than twenty days and not less than ten days before such public hearing. Said notice shall include the time and place of the hearing; a description of the section or area of the City determined by Council to be within the assessment district as contained in the special assessment roll; where the special assessment roll is on file and may be examined; that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the improvement, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative; that the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal; and that any appeal to the Michigan Tax Tribunal must be taken within thirty days of the confirmation of the special assessment roll, provided a protest was timely made.

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended, MCL 211.741, et seq.; MSA 5.3534(1), et seq., appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the State Tax Tribunal. An owner or party in interest, or his

or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required.

Funds are available for the City of Lansing's share of this project in accounts as follows:

SOURCES OF FUNDING IMPROVEMENT

Raymond Drive	Amount	Account Number
City Share of Other Costs	\$73,428.25	203-453601-974100-50004
Assessment Roll #	\$65,161.50	Account to be Established

Bliesener Street	Amount	Account Number
City Share of C&G	\$3,191.99	203-453601-974100-50004
City Share of Other Costs	\$78,855.29	203-453601-974100-50004
Assessment Roll #	\$76,385.52	Account to be Established

By Councilmember Dunbar

Motion Carried

RESOLUTION #2009-299

BY COUNCILMEMBER DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Bruce G. McAttee worked on his first political campaign at age thirteen under the tutelage of Labor Leader Loren Nichols for Democrat State Representative candidate Len Stuckman. While studying American Government at Everett High School, he kindled a passion for politics. Ted Bauer, his teacher, and Assistant Principal Archie Ross recommended him for Wolverine Boys State in the summer of 1975; and

WHEREAS, in the last half of his senior year, he served as an intern in the Michigan House of Representatives, where he met Powell Lindsey who sparked his interest in civil rights; and

WHEREAS, in late August of 1976, after returning home from Great Britain, where he worked with the Suitcase Theater as a Goodwill Ambassador promoting diversity through performing arts, he began working at General Motors; and

WHEREAS, Bruce finished his Electrician Apprenticeship in 1982 and expanded his union interests by running for and winning the position of Committeeman in 1983. He was elected Vice Chair of the Region 1C Skilled Trades Council and was promoted to Chairman in 1986, making him the youngest person to ever serve on the UAW International Skilled Trades Advisory Committee. He served in both positions until joining the UAW International Staff in 1994, and in 1995 was assigned to UAW Region 1C as CAP Coordinator, where he has served four Directors; and

WHEREAS, he has worked on every presidential election since Jimmy Carter in 1976, helped Dale Kildee secure his seat for seven consecutive elections, as well as unseat incumbent Republicans with Debbie Stabenow and, most recently, Mark Schauer; and

WHEREAS, since joining the Democratic Party in 1982, Bruce has been an active member in four counties; Ingham, Eaton, Livingston, and Clinton, serving on the State Central Committee for fourteen years. In his early years he served as a Delegate from the old 4th District, and for the last eight years, he served as a Delegate in the 8th District. He was elected as a delegate to the Democratic National Convention in both 2000 and 2004; and

WHEREAS, in 2004, he was also chosen as Presidential Elector by the delegates in the 8th District and cast his vote for John Kerry. His dedication to the Democratic Party earned him the 2009 Phil Hart Award; and

WHEREAS, he has been a member of the Lansing Area A. Philip Randolph Institute Chapter since 1990 where he has worked on voter registration, voter education, and against voter suppression and was recognized as a Role Model in 2009 for his work in Civil Rights and the community; and

WHEREAS, he served as CAP Coordinator for UAW Region 1C until July 31, 2009, and has worked for several years with the Cancer Society, helping with fundraising for Breast Cancer. He presently serves on the Martin Luther King Holiday Commission and the Red Cross Great Lakes Regional Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its deepest appreciation to Bruce McAttee for his lifetime of service to the Lansing community, his dedication to Civil Rights and to voter education. Congratulations on your retirement!

By Councilmember Quinney

Motion Carried

RESOLUTION #2009-300

BY COUNCIL VICE PRESIDENT A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Liquor Control Commission notified the City Council that Walgreen Co. has submitted a request for a new SDM License to be located at 3404 S. Martin Luther King, Jr. (MLK, Jr.); and

WHEREAS, Colonial Village, Churchill Downs, Lewton Rich Neighborhood Association, and On the Boulevard Business Association have raised substantial concerns regarding the proposed new SDM License and its impact on community safety, health, and welfare; and

WHEREAS, the Lansing City Council and the City's Administration are also concerned that the proposed new SDM License at 3404 S. MLK, Jr. would be too close in proximity to Kroger, M-9 Liquor Store, Colonial Door Bar and Grill, L & L Grocery Store, and a Quality Dairy that all hold some form of license to sell beer, wine and/or liquor;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, objects to and registers a protest to the approval of the new SDM License for Walgreen Co. at 3404 S. MLK, Jr.;

BE IT FINALLY RESOLVED that the Lansing City Council is requested to send a copy of this resolution to the Michigan Liquor Control Commission.

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-301

BY THE COMMITTEE OF DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-1-2009
801 S. Holmes Street
Church in the "F" Commercial District

WHEREAS, the applicant, Mt. Hope Church, has requested a Special Land Use permit (SLU-1-09) to utilize the building at 801 S. Holmes Street for a church; and

WHEREAS, the property is zoned "F" Commercial District where churches are permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on April 7, 2009, at which time the applicant spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its May 5, 2009 meeting, voted unanimously (4-0) to recommend approval of SLU-1-09 to permit a church at 801 S. Holmes Street, with certain conditions; and

WHEREAS, the City Council held a public hearing regarding SLU-1-09 on August 3, 2009; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-6-09, for a church at 801 S. Holmes Street in the "F" Commercial District with the following conditions:

1. The applicant agrees, in writing, to not object to liquor licenses in the area;
2. The applicant install trees in the road right-of-way, around the parking area and between the building and the residence to the east; and
3. The applicant work with the city to determine an acceptable parking lot layout for the subject property.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with three conditions, the City Council determines the following:

1. The proposed church is compatible with the essential character of the surrounding area, as designed.
2. The proposed church will not change the essential character of the surrounding area.
3. The proposed church will not interfere with the general enjoyment of adjacent properties.
4. The proposed church will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed church will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed church can be adequately served by essential public facilities and services.
7. The proposed church will not place any demands on public services and facilities in excess of current capacities.
8. The proposed church is consistent with the intent and purposes of the Zoning Code and in conformance with the master plan.
9. The proposed church will comply with the requirements of the "F" Commercial District.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-302

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on July 14, 1997, the Lansing City Council adopted Resolution #383 to approve application from Ferguson Development, LLC requesting a Neighborhood Enterprise Zone Certificate on property located at 1345 Turner Street, Lansing, Michigan pursuant to Public Act 147 of 1992, as amended (the Act); and

WHEREAS, on December 10, 2002, the State Tax Commission approved the Neighborhood Enterprise Zone Certificate #N2002-469 for Cynthia Dennis on the property located at 1345 Turner Street, Lansing, Michigan for a period of 12 years; and

WHEREAS, Section 11 (3) of the Neighborhood Enterprise Zone Act states the certificate for a homestead facility or new facility is automatically revoked if the homestead facility or new facility is no longer a homestead as that term is defined in section 7a of the general property tax act, 1893 PA 206, MCL 211.7a; and

WHEREAS, the City of Lansing Assessor's Office has determined the property located at 1345 Turner Street, Lansing, Michigan is no longer Cynthia Dennis' primary residence; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby revokes the Neighborhood Enterprise Zone Certificate #N2002-469 previously granted to Cynthia Dennis.

BE IT FURTHER RESOLVED that the Lansing City Council requests that the Michigan State Tax Commission revoke the Neighborhood Enterprise Zone Certificate #N2002-469 it previously granted Cynthia Dennis.

BE IT FINALLY RESOLVED that the City Clerk shall immediately cause a certified copy of this resolution to be filed with the Michigan State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-303

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on July 14, 1997, the Lansing City Council adopted Resolution #383 to approve application from Ferguson Development, LLC requesting a Neighborhood Enterprise Zone Certificate on property located at 1331 Turner Street, Lansing, Michigan pursuant to Public Act 147 of 1992, as amended (the Act); and

WHEREAS, on July 11, 2001, the State Tax Commission approved the Neighborhood Enterprise Zone Certificate #N2001-019 for Mark Homolka on the property located at 1331 Turner Street, Lansing, Michigan for a period of 12 years; and

WHEREAS, on August 2, 2004, the State Tax Commission approved transfer of the Neighborhood Enterprise Certificate #N2001-019 from Mark Homolka to its new owners Jean-Philippe N. Peltier & Trang Hang on the property located at 1331 Turner Street, Lansing, Michigan for the remaining 12 year period; and

WHEREAS, Section 11 (3) of the Neighborhood Enterprise Zone Act states the certificate for a homestead facility or new facility is automatically revoked if the homestead facility or new facility is no longer a homestead as that term is defined in section 7a of the general property tax act, 1893 PA 206, MCL 211.7a; and

WHEREAS, the City of Lansing Assessor's Office has determined the property located at 1331 Turner Street, Lansing, Michigan is no longer Jean-Philippe N. Peltier & Trang Hang's primary residence; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby revokes the Neighborhood Enterprise Zone Certificate #N2001-

019 previously granted to Jean-Philippe N. Peltier & Trang Hang.

BE IT FURTHER RESOLVED that the Lansing City Council requests that the Michigan State Tax Commission revoke the Neighborhood Enterprise Zone Certificate #N2001-019 it previously granted Jean-Philippe N. Peltier & Trang Hang.

BE IT FINALLY RESOLVED that the City Clerk shall immediately cause a certified copy of this resolution to be filed with the Michigan State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-304

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on July 14, 1997, the Lansing City Council adopted Resolution #383 to approve application from Ferguson Development, LLC requesting a Neighborhood Enterprise Zone Certificate on property located at 1329 Turner Street, Lansing, Michigan pursuant to Public Act 147 of 1992, as amended (the Act); and

WHEREAS, on December 28, 2000, the State Tax Commission approved the Neighborhood Enterprise Zone Certificate #N2000-152 for Robert Sorum & Richard Barnes on the property located at 1329 Turner Street, Lansing, Michigan for a period of 12 years; and

WHEREAS, Section 11 (3) of the Neighborhood Enterprise Zone Act states the certificate for a homestead facility or new facility is automatically revoked if the homestead facility or new facility is no longer a homestead as that term is defined in section 7a of the general property tax act, 1893 PA 206, MCL 211.7a; and

WHEREAS, the City of Lansing Assessor's Office has determined the property located at 1329 Turner Street, Lansing, Michigan is no longer Robert Sorum & Richard Barnes' primary residence; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby revokes the Neighborhood Enterprise Zone Certificate #N2000-152 previously granted to Robert Sorum & Richard Barnes.

BE IT FURTHER RESOLVED that the Lansing City Council requests that the Michigan State Tax Commission revoke the Neighborhood Enterprise Zone Certificate #N2000-152 it previously granted Robert Sorum & Richard Barnes.

BE IT FINALLY RESOLVED that the City Clerk shall immediately cause a certified copy of this resolution to be filed with the Michigan State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-305

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on April 20, 1998, the Lansing City Council adopted Resolution #196 to approve application from the Greater Lansing Housing Coalition requesting a Neighborhood Enterprise Zone Certificate on property located at 1121 W. Allegan, Lansing, Michigan pursuant to Public Act 147 of 1992, as amended (the Act); and

WHEREAS, on December 30, 1998, the State Tax Commission approved the Neighborhood Enterprise Zone Certificate #98-083 for Julia Gary on the property located at 1121 W. Allegan, Lansing, Michigan for a period of 12 years; and

WHEREAS, on March 18, 2004, the State Tax Commission approved transfer of the Neighborhood Enterprise Zone Certificate #98-083 from Julia Gary to its new owner, Timothy Gleason on the property located at 1121 W. Allegan, Lansing, Michigan for the remaining 12 year period; and

WHEREAS, Section 11 (4) of the Neighborhood Enterprise Zone Act states that if the owner of the facility fails to make the annual payment of the neighborhood enterprise zone tax and the ad valorem property tax on the land as required under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, the commission by order shall revoke the certificate; and

WHEREAS, the City of Lansing Treasurer's Office has not received payment for the neighborhood enterprise zone tax for the property located at 1121 W. Allegan, Lansing, Michigan; and

WHEREAS, the City of Lansing Treasurer's Office sent written notification stating that revocation of the Neighborhood Enterprise Zone Certificate would proceed unless all delinquent taxes were made current; and

WHEREAS, Timothy Gleason has not brought the delinquent property taxes current.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby revokes the Neighborhood Enterprise Zone Certificate #98-083 previously granted to Timothy Gleason.

BE IT FURTHER RESOLVED that the Lansing City Council requests that the Michigan State Tax Commission revoke the Neighborhood Enterprise Zone Certificate #98-083 it previously granted Timothy Gleason.

BE IT FINALLY RESOLVED that the City Clerk shall immediately cause a certified copy of this resolution to be filed with the Michigan State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-306

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on July 25, 2005, the Lansing City Council adopted Resolution #322 to approve application from Kerr House, LLC requesting a Neighborhood Enterprise Zone Certificate on property located at 217 E. St. Joseph, Unit 15, Lansing, Michigan pursuant to Public Act 147 of 1992, as amended (the Act); and

WHEREAS, on December 20, 2007, the State Tax Commission approved the Neighborhood Enterprise Zone Certificate # N2007-0580 for Kyle Koester & Natalie Patterson on the property located at 217 E. St. Joseph, Lansing, Michigan for a period of 12 years; and

WHEREAS, Section 11 (4) of the Neighborhood Enterprise Zone Act states that if the owner of the facility fails to make the annual payment of the neighborhood enterprise zone tax and the ad valorem property tax on the land as required under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, the commission by order shall revoke the certificate; and

WHEREAS, the City of Lansing Treasurer's Office has not received payment for the neighborhood enterprise zone tax for the property located at 217 E. St. Joseph, Lansing, Michigan; and

WHEREAS, the City of Lansing Treasurer's Office sent written notification stating that revocation of the Neighborhood Enterprise Zone Certificate would proceed unless all delinquent taxes were made current; and

WHEREAS, Kyle Koester & Natalie Patterson has not brought the

delinquent property taxes current.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby revokes the Neighborhood Enterprise Zone Certificate #N2007-0580 previously granted to Kyle Koester & Natalie Patterson.

BE IT FURTHER RESOLVED that the Lansing City Council requests that the Michigan State Tax Commission revoke the Neighborhood Enterprise Zone Certificate #N2007-0580 it previously granted Kyle Koester & Natalie Patterson.

BE IT FINALLY RESOLVED that the City Clerk shall immediately cause a certified copy of this resolution to be filed with the Michigan State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-307

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on July 14, 1997, the Lansing City Council adopted Resolution #383 to approve application from Ferguson Development, LLC requesting a Neighborhood Enterprise Zone Certificate on property located at 1327 Turner Street, Lansing, Michigan pursuant to Public Act 147 of 1992, as amended (the Act); and

WHEREAS, on October 30, 2001, the State Tax Commission approved the Neighborhood Enterprise Zone Certificate #N2001-056 for Richard Garcia on the property located at 1327 Turner Street, Lansing, Michigan for a period of 12 years; and

WHEREAS, on May 9, 2005, the State Tax Commission approved transfer of the Neighborhood Enterprise Zone Certificate #N2001-056 from Richard Garcia to its new owner, Ira Jacobs, on the property located at 1327 Turner Street, Lansing, Michigan for the remaining 12 year period; and

WHEREAS, Section 11 (4) of the Neighborhood Enterprise Zone Act states that if the owner of the facility fails to make the annual payment of the neighborhood enterprise zone tax and the ad valorem property tax on the land as required under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, the commission by order shall revoke the certificate; and

WHEREAS, the City of Lansing Treasurer's Office has not received payment for the neighborhood enterprise zone tax for the property located at 1327 Turner Street, Lansing, Michigan; and

WHEREAS, the City of Lansing Treasurer's Office sent written notification stating that revocation of the Neighborhood Enterprise Zone Certificate would proceed unless all delinquent taxes were made current; and

WHEREAS, Ira Jacobs has not brought the delinquent property taxes current.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby revokes the Neighborhood Enterprise Zone Certificate #N2001-056 previously granted to Ira Jacobs.

BE IT FURTHER RESOLVED that the Lansing City Council requests that the Michigan State Tax Commission revoke the Neighborhood Enterprise Zone Certificate #N2001-056 it previously granted Ira Jacobs.

BE IT FINALLY RESOLVED that the City Clerk shall immediately cause a certified copy of this resolution to be filed with the Michigan State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-308

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on July 14, 1997 the Lansing City Council adopted Resolution #383 to approve application from Ferguson Development, LLC requesting a Neighborhood Enterprise Zone Certificate on property located at 202 Dodge River Drive, Lansing, Michigan pursuant to Public Act 147 of 1992, as amended (the Act); and

WHEREAS, on October 30, 2001, the State Tax Commission approved the Neighborhood Enterprise Zone Certificate #N2001-061 for Jill Sabrosky on the property located at 202 Dodge River Drive, Lansing, Michigan for a period of 12 years; and

WHEREAS, on February 10, 2004, the State Tax Commission approved transfer of the Neighborhood Enterprise Zone Certificate #N2001-061 from Jill Sabrosky to its new owner, Ryan Lowe, on the property located at 202 Dodge River Drive, Lansing, Michigan for the remaining 12 year period; and

WHEREAS, Section 11 (4) of the Neighborhood Enterprise Zone Act states that if the owner of the facility fails to make the annual payment of the neighborhood enterprise zone tax and the ad valorem property tax on the land as required under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, the commission by order shall revoke the certificate; and

WHEREAS, the City of Lansing Treasurer's Office has not received payment for the neighborhood enterprise zone tax for the property located at 202 Dodge River Drive, Lansing, Michigan; and

WHEREAS, the City of Lansing Treasurer's Office sent written notification stating that revocation of the Neighborhood Enterprise Zone Certificate would proceed unless all delinquent taxes were made current; and

WHEREAS, Ryan Lowe has not brought the delinquent property taxes current.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby revokes the Neighborhood Enterprise Zone Certificate #N2001-061 previously granted to Ryan Lowe.

BE IT FURTHER RESOLVED that the Lansing City Council requests that the Michigan State Tax Commission revoke the Neighborhood Enterprise Zone Certificate #N2001-061 it previously granted Ryan Lowe.

BE IT FINALLY RESOLVED that the City Clerk shall immediately cause a certified copy of this resolution to be filed with the Michigan State Tax Commission.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-309

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Friends of Lansing's Historic Cemeteries has requested \$100.00 to defray costs associated with the 2009 Fall Cemetery Tour/Walk to be held on Sunday, September 27, 2009; and

WHEREAS, the Committee on General Services met on Monday, August 10, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to The Friends of Lansing's Historic Cemeteries to defray costs associated with the 2009 Fall Cemetery Tour/Walk to be held on Sunday, September 27, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$100.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that The Friends of Lansing's Historic Cemeteries shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-310

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Team Diamond BMX has requested a resolution for recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Team Diamond BMX as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Mike Dent of 2014 Barritt Street, Lansing, 48912.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-311

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Black Child and Family Institute has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes The Black Child and Family Institute as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Martha Bibbs, President, The Black Child and Family Institute, 935 W. Genesee, Lansing, 48915.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-312

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Beverly & Larry Eudy sought to eliminate special assessment of \$1350.69 on trash, board-up, and monitoring fee and all associated penalties and interest on the property tax bill of 1106 Leslie Street, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, August 10, 2009, to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Beverly & Larry Eudy of \$1350.69 for special assessments on trash, board-up, and monitoring fee, and all associated penalties and interest on the property tax bill of 1106 Leslie Street, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-313

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Dan Stouffer seeks reimbursement for towing and storage fees for a disabled/abandoned motor vehicle of \$170 and \$189, totaling \$359, and all associated penalties and interest; and

WHEREAS, the Committee on General Services met on Monday, August 10, 2009, to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Dan Stouffer of \$359 for towing and storage fees for a disabled/abandoned motor vehicle and all associated penalties and interest;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Councilmember Kaltenbach

To place an affirmative roll on the Resolution

By Councilmember Dunbar

To amend the resolution by removing the \$189 fee

Motion Failed

The question being the motion to place an affirmative roll on the Resolution

Motion Carried

RESOLUTION #2009-314

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a Walkable-Bikeable Complete Streets petition and ordinance language was referred to the Committee of the Whole; and

WHEREAS, the ordinance petition and ordinance is the product and hard work of the Lansing Walking & Bicycling Task Force; and

WHEREAS, the Lansing Walking & Bicycling Task Force put together a grass roots effort along with extensive research and support by many other advocacy groups resulting in recommendations for a successful endeavor; and

WHEREAS, the Lansing City Council thanks the Lansing Walking & Bicycling Task force, their supporters, and all of the advocacy groups, for their efforts to meet Council's expressed desire of the past four years in budget priorities to improve Lansing's infrastructure to provide residents with a greater ability to walk and bike within the community;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, supports and encourages civic involvements for all Lansing residents. The Council applauds the Lansing Walking & Bicycling Task force for their work in the community to move this vision closer to realization. The Council looks forward to participating with regional entities and encourages others to coordinate similar efforts.

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-315

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Fraternal Order of Police (FOP) Capitol City Lodge #141, 911 Operators Unit have negotiated a labor agreement for the period covering January 1, 2008 through December 31, 2012; and

WHEREAS, the FOP Capitol City Lodge #141, 911 Operators Unit membership has ratified this agreement; and

WHEREAS, the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, ratifies the contract between the City of Lansing and the Fraternal Order of Police Capitol City Lodge #141, 911 Operators Unit for the period covering January 1, 2008 through December 31, 2012; and

BE IT FURTHER RESOLVED, that the Lansing City Council authorizes the Administration to process the necessary appropriations and transfers to the appropriate salary and fringe benefit accounts to fund this agreement.

By Councilmember Robinson

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-316

COMMITTEE REPORT

THE COMMITTEE OF THE WHOLE held a meeting on Thursday, August 13, 2009, in which to consider the ordinance amendment to add Section 1020.13 of the City of Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclist, and users of all abilities.

The Committee recommends adoption of the amendment to the City of Lansing Codified Ordinances in which to add Section 1020.13.

By the Committee of the Whole

Signed: Derrick Quinney, President
A'Lynne Robinson, Vice President

By Councilmember Robinson

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

By Councilmember Jeffries, Chair of the Committee on Development and Planning

That the Ordinance when read by its title be considered as read in its entirety

By the Committee on Development and Planning

By Councilmember Jeffries

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances for property located at:

Z-4-2009; a 200 foot wide strip of property along the west edge of the site at 2511 N. Martin Luther King, Jr. Blvd., rezoning from "A" Residential District to "H" Light Industrial District

was introduced by Councilmember Jeffries, read by its title and referred to the Committee on Development and Planning.

RESOLUTION #2009-317

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, September 14, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-4-2009; a 200 foot wide strip of property along the west edge of the site at 2511 N. Martin Luther King, Jr. Blvd., rezoning from "A" Residential District to "H" Light Industrial District

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Robinson

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE OF THE WHOLE

By Councilmember Robinson

That:

An Ordinance of the City of Lansing to add Section 1020.13 of the

Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities be placed on order of immediate passage.

BY THE COMMITTEE OF THE WHOLE

By Councilmember Robinson

That:

An Ordinance of the City of Lansing to add Section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

NAYS: None

ABSENT: None

By Councilmember Robinson

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1145

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD SECTION 1020.13 OF THE LANSING CODIFIED ORDINANCES TO ENCOURAGE THE IMPLEMENTATION OF A NON-MOTORIZED NETWORK PLAN TO PROVIDE WALKABLE-BIKEABLE COMPLETE STREETS THAT ACCOMMODATE PEDESTRIANS, PUBLIC TRANSPORTATION PASSENGERS, BICYCLISTS AND USERS OF ALL ABILITIES.

WHEREAS, the Complete Streets guiding principle is to promote a safe network of access for pedestrians, bicyclists, motorists, and transit riders of all ages and abilities; and

WHEREAS, the promotion of capital improvements that are planned, designed, and constructed to encourage walking, bicycling, and transit use increases the general safety and welfare for all of Lansing's citizens; and

WHEREAS, as a matter of policy, City Officers should integrate and implement the Complete Streets guiding principle;

NOW, THEREFORE, THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1020, Section 13, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby added to read as follows:

1020.13. WALKABLE-BIKEABLE COMPLETE STREETS.

(a) "COMPLETE STREETS" IS DEFINED AS A DESIGN PRINCIPLE TO PROMOTE A SAFE NETWORK OF ACCESS FOR PEDESTRIANS, BICYCLISTS, MOTORISTS, AND TRANSIT RIDERS OF ALL AGES AND ABILITIES.

(b) IT IS THE POLICY OF THE CITY TO ENCOURAGE COMPLETE STREETS, AND IN FURTHERANCE OF THAT POLICY:

(1) THERE SHALL BE A NON-MOTORIZED NETWORK

PLAN APPROVED BY THE PUBLIC SERVICE DEPARTMENT, IN CONSULTATION WITH THE TRANSPORTATION DIVISION.

(2) THE NON-MOTORIZED NETWORK PLAN SHALL INCLUDE, AT A MINIMUM, ACCOMMODATIONS FOR ACCESSIBILITY, SIDEWALKS, CURB RAMPS AND CUTS, TRAILS AND PATHWAYS, SIGNAGE, AND BIKE LANES, AND SHALL INCORPORATE PRINCIPLES OF COMPLETE STREETS AND MAXIMIZE WALKABLE AND BIKEABLE STREETS WITHIN THE CITY.

(3) TO THE EXTENT FINANCIALLY FEASIBLE, FUTURE CONSTRUCTION OR RE-CONSTRUCTION OF CITY RIGHTS-OF-WAY OR ANY PARTS THEREOF SHALL BE IN CONFORMITY WITH THE NON-MOTORIZED NETWORK PLAN.

(4) IT SHALL BE A GOAL OF THE CITY TO FUND ADEQUATELY THE IMPLEMENTATION OF THE NON-MOTORIZED NETWORK PLAN, WHICH SHALL INCLUDE TARGETING AT LEAST FIVE PERCENT OF STATE ACT 51 FUNDS RECEIVED BY THE CITY ANNUALLY IN FURTHERANCE OF THE PLAN'S IMPLEMENTATION.

(5) THE NON-MOTORIZED NETWORK PLAN SHALL BE UPDATED, AT A MINIMUM, EVERY 5 YEARS FROM THE DATE OF ITS INITIAL ADOPTION BY THE PUBLIC SERVICE DEPARTMENT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk submitting:

- i. A request from Harry's Lounge, Inc. to Transfer Stock In 2009 Class C Licensed Business with Dance-Entertainment Permit, located at 404 Verlinden, Lansing, MI 48915, Ingham County through Transfer of 2,550 shares from Existing Stockholder, Aristides Arvanites to New Stockholder, Harea Bates

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. SLU-1-09; 810 S. Holmes St.; a request from Mt. Hope Church to utilize the building at 801 S. Holes St. for a church

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Z-4-2009; a request filed by Peckham, Inc. to rezone a 200 foot wide strip of property along the west edge of the site at 2511 N. Martin Luther King, Jr. Blvd. from "A" Residential district to "H" Light Industrial district for the purpose to permit additional parking

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Hunter's Ridge Project Agreement

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Grant Acceptance; Byrne Justice Assistance Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing 15-Day notice of an application from Mikho's Party Store, Inc. for a new SDM License for property located at 5101 S. Pennsylvania Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Notices from the State of Michigan Public Service Commission providing notice of public hearings to:

- i. The Electric customers of Consumers Energy Company Case No. U-16012 to be held August 25, 2009

RECEIVED AND PLACED ON FILE

- ii. The Gas Customers of Consumers Energy Company Case Nos. U-15454-R to be held August 25, 2009

RECEIVED AND PLACED ON FILE

- c. Michigan Tax Tribunal Amended Petition filed on behalf of Arbaugh Redevelopment, LTD. for property located at 401 S. Washington Sq.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Michigan Library Association located at 1407 Rensen St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- e. Application for Community Funding submitted by Black Child and Family Institute for its Genesee Block Party "Community Cares Festival" to be held September 5, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Letter from John Lindenmayer, submitting a collaborative photo project documenting the current condition of Lansing roadways

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- g. Letter from John Pollard, President of Fair Share Coalition of Lansing submitting copies of Freedom of Information Act (FOIA) responses regarding the price and source of flowers on Michigan Ave. and in downtown Lansing, and a list of current videotapes of City Council meetings in the possession of City TV

REFERRED TO THE CITY ATTORNEY

- h. Two (2) letters and eight-seven (87) electronic messages in support of Adoption of an Ordinance of the City of Lansing to add Section 1020.13 of the Lansing Codified Ordinances to encourage the implementation of a non-motorized network plan to provide walkable-bikeable complete streets that accommodate pedestrians, public transportation passengers, bicyclists and users of all abilities

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach spoke about Jessica Yorko and her efforts related to the "Complete Streets" Ordinance.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

ADJOURNED TIME 10:03 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 24, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Hewitt, Kaltenbach, Quinney, Wood

ABSENT: Councilmember Dunbar (Arrived at 7:07 p.m.), Jeffries (Arrived at 7:03 p.m.) and Robinson (Arrived at 7:17 p.m.)

Councilmember Wood asked people to remember Juanita Mitchell-Chapman, who recently passed away during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

Councilmember Jeffries arrived at the meeting at 7:03 p.m.

CONSIDERATION OF LATE ITEMS

By Councilmember Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Kaltenbach; Approval of a request from Michigan Brewing Company, Inc. for a new Micro Brewer License with Outdoor Service to be located at 402 S. Washington Sq.

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Recognition of Katrina Urista as Employee of the Year

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that it was a honor to recognize the dedication and accomplishments of Katrina Urista. He spoke about her character and her courteousness.

Council President Quinney congratulated Katrina and thanked her for all of her hard work in the community on efforts such as the Mobile Food Pantry and Project Create.

Councilmember Dunbar arrived at the meeting at 7:07 p.m.

Katrina Urista stated that she was honored to receive this recognition and said that people should walk the walk in stead of talking the talk when it comes to helping others and doing positive things in Lansing. She thanked the city's leadership in recognizing the need to help citizens.

2. Tribute; Recognition of Recovery Network, Inc. and Proclaiming the month of September 2009 as National Alcohol and Drug Addiction Recovery Month

Councilmember Wood spoke about events such as these starting dialogues that can give those with addictions a sense of hope.

City Clerk Swope read the following Resolution:

RESOLUTION #2009-318

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, substance abuse disorders affect 22.6 million people aged 12 and over (or 9.6% of the population), which is more than the number of people living with coronary heart disease, cancer, or Alzheimer's combined; and

WHEREAS, effective evidence-based treatment has led to long-term recovery from substance use disorders and brought a new outlook on life for those in recovery and their families and friends; and

WHEREAS, many have found recovery sources on the internet to aid them in finding individualized treatment that many studies have consistently found to be essential for a successful path of recovery; and

WHEREAS, real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and benefit the entire community; and

WHEREAS, it is critical that we educate our community members that substance use disorders are treatable, yet serious health care problems, and by treating them like other chronic health conditions, we can improve the quality of life for the entire community; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Michigan Recovery Month Coalition invite all residents of the City of Lansing to participate in the National Alcohol and Drug Addiction Recovery month, September 2009;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, proclaims the month of September 2009 as National Alcohol and Drug Addiction Recovery Month in the City of Lansing;

BE IT FURTHER RESOLVED that the Lansing City Council encourages the residents of the City of Lansing to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "Together we learn, together we heal."

By Councilmember Wood

Motion Carried

Victor Braatz spoke about awareness of alcohol and drug addictions and the need for recovery programs. He invited everyone to the kickoff of this year's National Alcohol and Drug Addiction Recovery Month events.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Allen congratulated the Pennway Church of God on its successful block party.

Councilmember Wood stated that businesses affected by CSO construction such as Handy's Market, Roma Bakery and Great Harvest Bread Co. should be sought out and patronized so that their businesses might not suffer much through the construction.

Vice President Robinson arrived at the meeting at 7:17 p.m.

Councilmember Dunbar thanked those who participated in and those who organized the recent Southside Showcase. She congratulated those who organized the Benjamin Davis Park Neighborhood Picnic and spoke about the opening of the walking path in Benjamin Davis Park.

Vice President Robinson announced the Barbecue on the Boulevard event and the next Averill Woods neighborhood meeting. She spoke about the Southside Showcase.

Council President Quinney announced the Labor Fest event and invited everyone to volunteer and participate in the event.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that Eric Hart of the Lansing Entertainment and Public Facilities Authority has accepted a job in Tampa, FL and will be sorely missed. He spoke about Mayor Bernero attending the Senior Picnic event this morning. He announced the upcoming Bless Fest and the Caribbean Festival at Lansing Community College. He thanked and congratulated the AT&T Pioneers who donated money to Habitat for Humanity. He spoke about several items on tonight's agenda including the Public Hearings for the Saginaw Street and Michigan Avenue Improvement Authorities.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of the establishment of the Saginaw Street Corridor Improvement Authority
2. In consideration of the establishment of the Michigan Avenue Corridor Improvement Authority

Councilmember Jeffries gave a brief overview of the Public Hearings.

Jessica Yorko of 815 Bancroft Ct. spoke in support of the establishment of the Saginaw Street Corridor Improvement Authority.

Steve Purchase of 707 Prudden Pl. spoke in support of the establishment of the Saginaw Street Corridor Improvement Authority.

Peter Boldt of 1026 W. Saginaw St. spoke in support of the establishment of the Saginaw Street Corridor Improvement Authority.

Patty Reudeasili of 2001 W. Saginaw St. spoke in support of the establishment of the Saginaw Street Corridor Improvement Authority.

Mike Schury of 1611 S. Genesee St. spoke in support of the establishment of the Saginaw Street Corridor Improvement Authority.

Nicole Schippel of 1012 N. Walnut St. spoke in support of the establishment of the Saginaw Street Corridor Improvement Authority.

Heta Mehta of 1012 N. Walnut St. spoke in support of the establishment of the Saginaw Street Corridor Improvement Authority.

Ronald Kruger of 3333 Moores River Dr. stated concerns with improvement authorities.

Walter Brown of 1310 Knollwood Ave. stated concerns with improvement authorities.

Faron Supanich of 711 Sparrow Ave. spoke in support of the establishment of the Michigan Avenue Corridor Improvement Authority.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. stated concerns with improvement authorities.

Charlene Decker of 2711 Pleasant Grove Rd. stated concerns with improvement authorities.

Kathi Raffone of 1221 Muskegon Ave. spoke in opposition to improvement authorities.

John Pollard of 1718 Blair St. spoke in opposition to improvement authorities.

Willy Williams of P.O. Box 11042 spoke in support of improvement authorities.

City Clerk Swope stated that the City Council received written comments in support of the establishment of the Saginaw Street Corridor Improvement Authority submitted by Jeff Dittmer of J&J Appliance and Furniture.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of the establishment of the Saginaw Street Corridor Improvement Authority

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of the establishment of the Michigan Avenue Corridor Improvement Authority

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Ronald Kruger of 3333 Moores River Dr. spoke about a bike ordinance.

Walter Brown of 1310 Knollwood Ave. spoke about surveillance cameras.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Teresa Panetta of 2125 Groesbeck Dr. spoke about Revisions to the City Council Rules

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Erin Fox of 401 Jones St. spoke about Leukemia awareness.

Robert Ovalle of P.O. Box 225 spoke about voting.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-319

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Association for Human Rights (LAHR) was founded by Dr. Mary Hartshorn and Barb Harte and began as a very loosely organized group on August 23, 1979, with nearly fifty attendees at the first meeting; and

WHEREAS, The organization had three purposes; to help coordinate gay and lesbian activities in the Lansing area through increasing communication, organizing social groups and events for area gays and lesbians, and assisting in local, state, and national gay/lesbian activism; and

WHEREAS, the meetings held at Dr. Mary Hartshorn and Barb Harte's home were potlucks, social gatherings, and a venue for people to discuss Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) issues; and

WHEREAS, LAHR tackled tough issues, such as sting operations by police. At a Lansing City Council, in a standing room only meeting, LAHR presented a 100-page report highlighting the community views, statistics and facts about the illegal arrests of over 30 gay men. Of those thirty, only two went to trial and both were found not guilty. It was an historic moment for the LGBTQ community; and

WHEREAS, in 1980, LAHR asked the Lansing City Council for a Civil Rights and a Fair Housing Ordinance, which the Council approved, but the Mayor vetoed. In 1996, LAHR supported the Lansing Equal Rights Task Force to achieve a comprehensive Civil Rights ordinance, which was passed by City Council and approved by Mayor Hollister. Proposal 1 was later overturned by a vote of the public; and

WHEREAS, the first LAHR Newsletter was published in September 1979, and again made history by publishing the first article in Michigan about AIDS in September 1981, long before AIDS had a name; and

WHEREAS, in May 1983, under the leadership of William Sawyer, LAHR President Mike Hendricks and assisted by Jan Sperling, a third year medical student at the MSU College of Human Medicine, formed the Lansing Health Information Network Council as a response to the urgent need for quality health care in Lansing's gay community; and

WHEREAS, LAHR hosts numerous social networking events in Lansing to keep the community vibrant and strong, such as Sistrum, the Lansing Women's Chorus, Social Knit Nights, Greater Lansing Gay Men's Chorus, Great Lakes Pride Band, Suits and the City, LAHR's Coffee Night, LAHR Downtown Lunches, and the Breakfast Club; and

WHEREAS, on Sunday, August 23, 2009, the Lansing Association for Human Rights will celebrate its 30th Anniversary serving Lansing's Lesbian, Gay, Bisexual, and Transgendered Community;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate Lansing Association for Human Rights on its 30th Anniversary and extends its appreciation for their service to the community. We wish you continued success!

By Councilmember Wood

Motion Carried

RESOLUTION #2009-320

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Black Child and Family Institute has requested \$500.00 to defray costs associated with the Genesee Block Party "Community Cares Festival" to be held on September 5, 2009; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to the Black Child and Family Institute to defray costs associated with the Genesee Block Party "Community Cares Festival" to be held on September 5, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Black Child and Family Institute shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-321

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Wexford Montessori Magnet School PTA has requested \$500.00 to defray costs associated with the New Mt. Calvary Community Celebration to be held on August 29, 2009; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Wexford Montessori Magnet School PTA to defray costs associated with the New Mt. Calvary Community Celebration to be held on August 29, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Wexford Montessori Magnet School PTA shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-322

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission has received a request from the Michigan Brewing Company, Inc for a new Micro Brewer License with Outdoor Service to be located at 402 S. Washington, Lansing; and

WHEREAS, Michigan Brewing Company, Inc. of 402 S. Washington has obtained the appropriate signatures to add a new Micro Brewer License with Outdoor Service; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, to review the request and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves a new Micro Brewer License with Outdoor Service to be located at 402 S. Washington, Lansing for Michigan Brewing Company, Inc;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenbach

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Submitting a copy of Canvass of Votes Cast in the City of Lansing at the Primary Election held on Tuesday, August 4, 2009

RECEIVED AND PLACED ON FILE

- ii. Submitting a request from Michigan Brewing Company, Inc. for a new Micro Brewer License with Outdoor Service to be located at 402 S. Washington Sq.

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. IFT-3-09; Issuance of Industrial Facilities Tax Exemption Certificate to Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Amendment to Ballentine Apartment PILOT (Payment in Lieu of Taxes)

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Transfer of Funds; State/Federal Programs, Emergency Management Performance Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Transfer of Funds; Federal Home Grant Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- v. Sole Source Purchase; Finance/Building Maintenance Division request for C2AE as the vendor for Kircher Ball Field Lighting Design Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the Ingham County Drain Commissioner's office providing notice of a Public Hearing of Apportionment on the Alton, Oakwood, Pawlowski Creek and Stimson drains to be held September 2, 2009

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Letter from the Treasurer of Lansing Sesquicentennial Foundation, Timothy Adams, submitting its monthly report of expenditures for July 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- c. Letter from Comcast Cable providing notice of changes to the Local Alert System

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD AND REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- d. Michigan Tax Tribunal Corrected Amended Petition submitted on behalf of Arbaugh Redevelopment, Ltd. for property located at 401 S. Washington Sq.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ATTORNEY

- e. Requests for Recognition of Non-Profit Status in the City of Lansing submitted by:

- i. Caravan Youth Center located at 1125 Weber Dr.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- ii. Black Men Incorporated of Greater Lansing Charitable and Education Fund of P.O. Box 13182

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- f. Claim appeal filed by Donna Brockwell for property located at 500 S. Magnolia Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

REMARKS BY COUNCILMEMBERS

Councilmember Dunbar stated that Erin Fox who spoke on behalf of the Leukemia Foundation would have spoken at the beginning of the meeting even if the City Council rules are changed to move Public Comment on City Government Related Matters is moved to the end of the meetings.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

ADJOURNED TIME 9:17 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 31, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmember Hewitt (Arrived at 7:08 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of August 17 and 24, 2009

Motion carried

Councilmember Hewitt arrived at the meeting at 7:08 p.m.

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Robinson; Confirmation of Appointment of Phil Clacko to the Principal Shopping District Board for as a Business Owner Representative Term to Expire June 30, 2012

SPECIAL CEREMONIES

Special Ceremonies

1. Tribute; Congratulating the Lansing Association for Human Rights on their 30th Anniversary

Councilmember Wood spoke about contributions to the City of Lansing made by the Lansing Association for Human Rights.

City Clerk Swope read the following Resolution:

RESOLUTION #2009-319

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Association for Human Rights (LAHR) was founded by Dr. Mary Hartshorn and Barb Harte and began as a very loosely organized group on August 23, 1979, with nearly fifty attendees at the first meeting; and

WHEREAS, The organization had three purposes; to help coordinate gay and lesbian activities in the Lansing area through increasing communication, organizing social groups and events for area gays and lesbians, and assisting in local, state, and national gay/lesbian activism; and

WHEREAS, the meetings held at Dr. Mary Hartshorn and Barb Harte's home were potlucks, social gatherings, and a venue for people to discuss Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) issues; and

WHEREAS, LAHR tackled tough issues, such as sting operations by police. At a Lansing City Council, in a standing room only meeting, LAHR presented a 100-page report highlighting the community views, statistics and facts about the illegal arrests of over 30 gay men. Of those thirty, only two went to trial and both were found not guilty. It was an historic moment for the LGBTQ community; and

WHEREAS, in 1980, LAHR asked the Lansing City Council for a Civil Rights and a Fair Housing Ordinance, which the Council approved, but the Mayor vetoed. In 1996, LAHR supported the Lansing Equal Rights Task Force to achieve a comprehensive Civil Rights ordinance, which was passed by City Council and approved by Mayor Hollister. Proposal 1 was later overturned by a vote of the public; and

WHEREAS, the first LAHR Newsletter was published in September 1979, and again made history by publishing the first article in Michigan about AIDS in September 1981, long before AIDS had a name; and

WHEREAS, in May 1983, under the leadership of William Sawyer, LAHR President Mike Hendricks and assisted by Jan Sperling, a third year medical student at the MSU College of Human Medicine, formed the Lansing Health Information Network Council as a response to the urgent need for quality health care in Lansing's gay community; and

WHEREAS, LAHR hosts numerous social networking events in Lansing to keep the community vibrant and strong, such as Sistrum, the Lansing Women's Chorus, Social Knit Nights, Greater Lansing Gay Men's Chorus, Great Lakes Pride Band, Suits and the City, LAHR's Coffee Night, LAHR Downtown Lunches, and the Breakfast Club; and

WHEREAS, on Sunday, August 23, 2009, the Lansing Association for Human Rights will celebrate its 30th Anniversary serving Lansing's Lesbian, Gay, Bisexual, and Transgendered Community;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate Lansing Association for Human Rights on its 30th Anniversary and extends its appreciation for their service to the community. We wish you continued success!

Penny Gardner, President of the Lansing Association for Human Rights, thanked the City Council for this honor and spoke about the work of her organization.

Bill Beachler spoke about Lansing being a wonderful community.

Penny Gardner presented Councilmember Wood with the Lansing Association for Human Rights' 25th Anniversary Cookbook.

2. Mayoral Presentation; Recognition of Local Laborers and Labor Day

Mayor Bernero read the following Proclamation:

"Without labor, nothing prospers." — Sophocles

WHEREAS: It is a privilege to join with our City's local workers' unions and labor organizations in observing Labor Day, a holiday that celebrates the rich and talented community of working Americans who fuel Lansing's success from day to day; and

WHEREAS: The first Labor Day holiday was celebrated on Tuesday, September 5, 1882, in New York City, in accordance with the plans of the now-defunct Central Labor Union. In 1884, the first Monday in September was selected as the holiday, and the Central Labor Union urged organizations in other cities to follow the example of New York and celebrate a "workingman's holiday" on that date; and

WHEREAS: Our nation's and Lansing's industrial heritage is an example of everything that is right with our economy and with our society. Good jobs with good benefits created the middle class in this country, with the innovation and cooperation of our various units of organized labor. The efforts made by the labor movement have also created safer working conditions for our nation's laborers; and

WHEREAS: This holiday is dedicated to the social and economic achievements of American workers, the men and women who make up our nation's social fabric. Labor Day is our annual national tribute to the contributions workers have made to the power, prosperity, and welfare of our country. Unions have strengthened our marketplace, our education, our families, and our livelihood; and

WHEREAS: Lansing is especially blessed to have such a diverse and well-organized community of labor organizations, including the Lansing Labor Council, the MSEA, the UAW, the MEA, AFL-CIO, and numerous others that offer worker protection and who strengthen our middle class by offering fair wages in exchange for superior services and products. To help recognize our local labor leadership and our thousands of working men and women, Lansing 150 will be hosting a 'Laborfest.'

NOW, THEREFORE, I, VIRG BERNERO, Mayor of the City of Lansing, encourage all citizens to join together in observing Labor Day with their families as day to recognize the world's greatest labor force--the working men and women of Lansing. I further proclaim September 5th as:

"LaborFest Day"

in Lansing. I encourage residents to attend the activity-filled 'Laborfest,' hosted by the Lansing Sesquicentennial Foundation, from 11:00 AM to 9:00 PM at Riverfront Park in downtown Lansing to celebrate our working families.

Paul Hufnagel thanked all of those involved in labor movements for helping create Lansing's middle class. He also thanked Mayor Bernero for this honor.

Brian Fredline spoke about the future of the auto industry in Lansing.

Randy Freeman spoke about positive things happening in the local auto industry.

Jerry Swartz spoke about solidarity amongst all of the local labor unions.

Deb Vitner thanked the City Council for all of its work and she stated that she is proud of all of the work done by labor unions.

Glen Freeman and Kristin Small spoke about upcoming events for Labor Day.

Council President Quinney invited everyone to the Laborfest activities this Saturday and he stated that volunteers are still needed for the event.

Mayor Bernero thanked all of the labor representatives present for all of their work.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Wood announced the next Genesee Neighborhood meeting where the new community police officer will be introduced. She also announced the Black Child and Family Institute's Community Cares event. She spoke about the memorial service for Juanita Mitchell-Chapman and asked to keep her family in everyone's prayers.

Vice President Robinson announced the Barbecue on the Boulevard event. She stated that the 2nd Saturdays meeting for residents of the 3rd Ward would still take place on Saturday, September 12, 2009.

Council Member Dunbar stated that September is the last month for the South Lansing Community Market this year.

Council President Quinney thanked his fellow Council Members for contributing to the creation of backpacks for the Black Child and Family Institute's Community Cares event. He asked Mayor Bernero about providing bleachers at Gardner Middle School for the Youth Football League.

Councilmember Hewitt spoke about a state caucus that provided more backpacks than the City Council for the Black Child and Family Institute's Community Cares event.

Council Member Allen also spoke about providing bleachers at Gardner Middle School for the Youth Football League.

City Clerk Swope spoke about the recent passing of community activist Bill Petry, former election inspector Ron Gunther, and the father of Monica Zuchowski, president of the Downtown Neighborhood Association. He reminded everyone that the next City Council meeting will be on Thursday, September 10, 2009 due to the Labor Day holiday.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero stated that he will try to provide bleachers at Gardner Middle School. He spoke about the Mayors' Ramadan Community Dinner. He announced the Laborfest event. He spoke about several items on tonight's agenda including referrals for Jackson National Life developments, Moebius Technologies, LLC, His Healing Hands Urgent Care Center, the P.A. 198 for Symmetry Medical Inc. Jet and IFT-02-09 for Demmer Corporation. He spoke about grants for the Police Department and he asked that citizens take special care when driving while students return to school next week.

SHOW CAUSE HEARINGS

• Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1023 E. Grand River Ave.
2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1025 E. Grand River Ave.

There were no speakers for these Show Cause Hearings.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or

Demolish to the owners of property located at 1023 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1025 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Public Improvement III; Curb and Gutter, Storm Sewer and Drive Approach for all lands fronting Raymond Dr. from Grand River Ave. to the north end, and Bliesener St. from west of Picardy St. to Pheasant Ave., excepting all public streets and alleys and other lands deemed not benefited

Councilmember Dunbar gave a brief overview of the Public Hearing.

Ronald Kruger of 3333 Moores River Dr. spoke about changes to the City Council Rules.

Stan Shuck of 818 Cooper Ave. spoke about changes to the City Council Rules and against tax abatements.

Kathi Raffone of 1221 Muskegon Ave. spoke about various legislative matters.

Teresa Panetta of 2125 Groesbeck Ave. spoke in support of changes to the City Council rules.

John Pollard of 1718 Blair St. spoke in opposition to the Public Improvement III's and in opposition to tax abatements for Symmetry Medical Inc. Jet.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to tax abatements.

Belinda Fitzpatrick of 224 S. Holmes St. spoke in opposition to changes to the City Council Rules.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about free speech.

Michael Mercer of 4530 Sycamore St., Holt, spoke in opposition to changes to the City Council Rules.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to tax abatements.

Edward Stoffer of 2117 Raymond Dr. spoke in opposition to Public Improvement III; Curb and Gutter, Storm Sewer and Drive Approach for all lands fronting Raymond Dr. from Grand River Ave. to the north end.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Public Improvement III; Curb and Gutter, Storm Sewer and Drive Approach for all lands fronting Raymond Dr. from Grand River Ave. to the north end, and Bliesener St. from west of Picardy St. to Pheasant Ave., excepting all public streets and alleys and other lands deemed not benefited

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Ronald Kruger of 3333 Moores River Dr. spoke in opposition to changes to the City Council Rules.

Sylvester Stewart of 3601 Berwick Dr. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Monique Smith of 1111 Cleveland St. announced the Walk for Christ and Christian Festival.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Loni Sychanko of 430 N. Deerfield Ave. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Gary Andrews of 560 Brookland Blvd. spoke about public access television.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Belinda Fitzpatrick of 224 S. Holmes St. spoke about various city matters.

Kelly Rossman-McKinney of 5811 Cabrena Dr., Delta Twp., spoke in support of IFT-03-09 for Symmetry Medical Inc. Jet.

Bo Garcia of 614 Riley St. spoke in support of IFT-03-09 for Symmetry Medical Inc. Jet.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-323

BY COUNCILMEMBER DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Norlan Cavin was born on August 25, 1902, as the fourth child of Robert and Annie Cavin of Baton Rouge, Louisiana; and

WHEREAS, Norlan moved to Duncan Mississippi at age of eleven where he grew up, and in 1925 married Brady Tolbert and had eight adorable children, Norlan, Jr., Robert, Nathaniel, Ella B., William, Louise, Baby Twin, and Velma Lee; and

WHEREAS, as a dedicated spiritual man, he has ministered to many

family members and friends and has served in several ministry leadership positions; and

WHEREAS, after the loss of his wife, Norlan married Ethelene Jackson in 1948 who had six children, Johnny, Velma, Mary, Roni, Michelle, and Herschel and together they had five lovely children, Joyce, James, Almata, Cabot, and Gaynell; and

WHEREAS, Norlan enjoys subjects related to history and politics, including his awareness of our current President Barack Obama as the first African-American President; and

WHEREAS, Norlan has a "remarkable" memory and loves to recollect the "olden days" along with more current memories;

NOW, THEREFORE, BE IT RESOLVED, Lansing City Council, hereby, congratulates Norlan Cavin on his 107th birthday and wishes him a memorable day full of fellowship and festivities with family and friends at the Cavin Family Reunion.

By Council Member Quinney

Motion Carried

RESOLUTION #2009-324

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Juanita Mitchell's family moved to Lansing when she was a young girl. She attended Kalamazoo Street Elementary School, West Junior High, Sexton High, and Lansing Community College; and

WHEREAS, Juanita Mitchell-Chapman was blessed with a son and daughter, and later in life a wonderful husband and beautiful granddaughter; and

WHEREAS, Juanita's personal and professional life has been in the field of human service, whether it was through neighborhood or community initiatives or working for the Capital Area Community. She was instrumental in the organization of the Potter/Walsh Neighborhood Association when it began in the Fall of 1992, and served as its president since 1994. As President, she worked with the L.A.N.D. Committee and lent support to new leadership in the Association, helping others to grow into their potential. Juanita was the instigator and leader of many activities and involved herself in almost every project that happened in her neighborhood association; and

WHEREAS, relentless to serve her community, she volunteered in many capacities; programs to improve Lansing Public Schools, the first Citizens Police Academy, Sparrow Hospital's Community Education Board; and served in leadership positions with Lansing Neighborhood Council, a Lansing Police Department Precinct Board, and the outreach board of a neighborhood church. Juanita was present at each housewarming for a new Habitat family, was an adult advisor in a program for local teens, and volunteered as a tutor for a third grade girl, and always acknowledged neighborhood youth for academic accomplishments; and

WHEREAS, Juanita developed partnerships with agencies to improve the quality of life in the neighborhood and throughout the City. She served as Vice-Chairperson and Chairperson of the Strategy and Funding Committee for the Greater Lansing Homeless Resolution Network (GLHRN), the Continuum of Care for Ingham County, and facilitated a Community Needs Assessment that resulted in offering summer programming for the youth in the neighborhood, such as, Boy Scouts and Girl Scouts Troops; and

WHEREAS, it was not unusual for Juanita to work with various churches or agencies to feed the homeless, and during annual neighborhood cleanups, she could be found cooking up some "home cooking" for the volunteers and city workers who have just spent the morning helping to clean up and make the area a better place for residents. At the 2008 Bea Christy Award Dinner, she was honored as a recipient of a Bea Christy Award for her contributions and involvement in the community; and

WHEREAS, Juanita was a dedicated and caring neighbor and a good friend to those she knew and a generous and loving wife, parent, and grandparent;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Juanita Mitchell-Chapman for her dedication, compassion, and outstanding accomplishments for the City of Lansing through her work and volunteering and extends its deepest condolences to her family, friends, and co-workers during this most difficult time.

By Council Member Wood

Motion Carried

RESOLUTION #2009-325

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Approving an Industrial Facilities Exemption Certificate

WHEREAS, the Lansing City Council has previously created Lansing Industrial Development District (IDD-3-99) on September 27th on the property located at 5212 Aurelius Rd., in the City of Lansing, Michigan.

WHEREAS, the City of Lansing received and filed an application from "Symmetry Medical Inc. Jet," and Symmetry Medical, Inc. is the parent company of Jet Engineering, Inc., requesting an Industrial Facilities Exemption Certificate (IFT-03-09) for personal property investments pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, a public hearing was held Monday, August 10, 2009 at 7:00 p.m., on the Industrial Facilities Exemption Certificate (IFT-03-09) filed by Jet Engineering Inc., at which all owners of real and personal property within (IDD-3-99), other City residents and taxpayers, the assessor and the representatives of the legislative body of each taxing unit that levies ad valorem taxes for the (IDD-3-99) area had the opportunity to appear and be heard; and

WHEREAS, Jet Engineering, Inc. has substantially met all of the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council finds and determines that the granting of this Industrial Facilities Exemption Certificate for personal and/or real property under Public Act 198, shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of any taxing unit which levies ad valorem taxes in the City of Lansing.

BE IT FURTHER RESOLVED that the Lansing City Council hereby approves the application of Jet Engineering, Inc., for an Industrial Facilities Exemption Certificate (IFT-03-09), for personal property investments in the area of (IDD-3-99) legally described as:

Lots 1 & 2 – Jet Place, City of Lansing, Ingham County, Michigan

for a period of 12 years, after project completion, provided that this resolution shall be effective upon the execution of a written Industrial Facilities Exemption Certificate Agreement between Jet Engineering Inc., and the City of Lansing, in the form as filed with the City Clerk.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to execute the afore stated agreement, subject to prior approval thereof as to form by the City Attorney.

By Council Member Jeffries

Motion Carried with Council Member Hewitt voting "Nay"

RESOLUTION #2009-326

BY THE PLANNING AND DEVELOPMENT COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing received and filed an application from Demmer Corporation requesting an Industrial Facilities Exemption Certificate (IFT-02-09) for personal property, pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, prior to acting upon this request, it is necessary to hold a public hearing on Demmer Corporation's application for an Industrial Facilities Exemption Certificate (IFT-02-09), to allow for any resident or taxpayer or ad valorem taxing unit the right to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 14th day of September, 2009 at 7:00 p.m., on the Demmer Corporation's application for an Industrial Facilities Exemption Certificate (IFT-02-09) for personal property located at 705 E. Oakland Ave., Lansing, MI, 48906, within the boundary more particularly described as:

COM W LINE BALLARD ST 345.35 FT S OF S LINE PORTER ST, TH S 288.87 FT, N 89DEG 35MIN W 798 FT +/- TO W LINE SEC 10 T4N R2W, N'LY ON SAID LINE 413 FT +/-, N 89DEG 31MIN 30SCD E 450 FT +/-, S PAR'L WITH W LINE BALLARD ST 78.45 FT, S 57DEG 27MIN E 99 FT, S 89DEG 59MIN E TO BEG, EXC THAT PART LYING S OF N'LY RW LINE RELOCATED OAKLAND AVE JAMES SEYMOURS SUB

and that the City Clerk cause to be published in a publication of general circulation, giving notice of such hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, as well as the owners of real and personal property located within the stated boundary, be notified by certified mail of this application and the scheduled public hearing.

By Council Member Jeffries

Motion Carried with Council Member Hewitt voting "Nay"

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on December 11, 2008, the City of Lansing's Department of Parks and Recreation received written notification from the Michigan Department of Natural Resources (MDNR) that our grant application to acquire approximately 28.5 acres with 500 feet of Grand River Shoreline, commonly referred to as "Hunter's Ridge" (the "Parcel") was recommended for funding by the Michigan Natural Resources Trust Fund (MNRTF); and

WHEREAS, the amounts and sources of the project funding are as follows:

Total Estimated Land/Property Value

Estimated Incidental Costs

Total Project Cost

Amount Requested from MNRTF (75% grant)

Amount Donated by Owners (25% match)
;and

WHEREAS, the MDNR requires the City of Lansing to sign two copies of the Project Agreement which describes the purpose and scope of the acquisition project, as well as the responsibilities the City of Lansing will be committing to undertake by accepting this acquisition grant; and

WHEREAS, the MDNR requires the City of Lansing to submit a certified resolution from our local governing body accepting the terms of the Project Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council does, hereby, accept the terms of the Project Agreement as received from the MDNR, and the City of Lansing does, hereby, specifically agree, but not by way of limitation, as follows:

1. To complete the project during the project period and to provide the Owner-donated 25% match of up to \$261,660.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the MDNR for auditing at reasonable times.
3. To regulate the use of the property acquired and reserved under this Project Agreement to assure the use thereof by the public on equal and reasonable terms.

To comply with any and all terms of said Project Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

By Council Member Jeffries

To place an affirmative roll on the resolution

By Council Member Dunbar

To amend the NOT, THEREFORE, BE IT RESOLVED clause bullet #1 following "donated" by striking "match of" and inserting "25% match of up to"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION TO SET A PUBLIC HEARING
Moebius Technologies, LLC – Equipment Purchase

WHEREAS, Moebius Technologies, LLC has made application with the Lansing Economic Development Corporation (LEDC) for a business financing assistance loan for an equipment purchase proposed to be located at 2127 West Willow Street (the Project); and

WHEREAS, in an effort to foster business development, expansion and renovation of properties within the City of Lansing, the LEDC has initiated a Business Financing Assistance Program and finds the Project to be within the LEDC's mission to facilitate the growth of economic activity within the City of Lansing; and

WHEREAS, the Business Financing Assistance Program will utilize a portion of the LEDC's capital to make funds available for financing the Project; and

WHEREAS, the LEDC Board of Directors, in conformity with Public Act 338 of 1974, as amended (the "Act"), has approved the Project Plan, including a Project Area and Project District Area for the Project; and

WHEREAS, Section 8 of the Act requires that before the LEDC acquires an interest in property or incurs obligations for a specific project, the corporation shall prepare a project plan, conduct a public hearing on the matter and secure the approval of the City Council; and

WHEREAS, at such hearing, the City Council shall provide an opportunity for all interested persons to be heard on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY

COUNCIL AS FOLLOWS:

1. The following Project Area, as designated by the LEDC, is hereby certified as approved:

Legal Description of Project Area

Parcel #: 33-01-01-08-301-011

COMMONS LINE WILLOW ST 132 FT W OF E LINE OF W 1/2 OF NW 1/4 SEC 8, TH S 297 FT, E 132 FT, S 184 FT TO N'LY LINE LM RR, SWLY ALONG RR TO PT 289.5 FT W OF E LINE OF W 1/2 OF NW 1/4 SEC 8, N 609.5 FT TO S LINE WILLOW ST, E 160 FT TO BEG; SEC 8 T4N R2W

Land in the City of Lansing, County of Ingham, Michigan more particular described as:

2127 West Willow Street

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area is hereby established having the same description as the Project Area herein certified as approved.
3. The Lansing City Council hereby advises and confirms to the appointment by the Mayor of Charles Janssen & Timothy Murphy as two additional directors to the Board of Directors of the LEDC solely for this project, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.
4. A public hearing upon the Project Plan for such Project shall be held at 7:00 p.m. on September 14, 2009 in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan. At such hearing, the City Council shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.
5. The Lansing Economic Development Corporation has a proposed loan in the amount up to \$240,000 for this project.
6. The City Clerk shall provide notice of the time and place of the hearing given by publication once in a newspaper of general circulation designated by the municipality, not less than 10 days before the date set for the hearing.
7. The City Clerk shall forward three (3) certified copies of this Resolution to the Lansing Economic Development Corporation.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-329

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION TO SET A PUBLIC HEARING

His Healing Hands Urgent Care Center, Inc. – Building Purchase

WHEREAS, His Healing Hands Urgent Care Center, Inc has made application with the Lansing Economic Development Corporation (LEDC) for a business financing assistance loan for the purchase of property proposed to be located at the 2025 W. Holmes Street (the Project); and

WHEREAS, in an effort to foster business development, expansion and renovation of properties within the city of Lansing, the LEDC has initiated a Business Financing Assistance Program and finds the Project to be within the mission of the Lansing EDC to foster economic growth within the city of Lansing; and

WHEREAS, the Business Financing Assistance Program will utilize a portion of the LEDC's capital to make funds available for financing the Project; and

WHEREAS, the LEDC Board of Directors, in conformity with Public Act 338 of 1974, as amended (the "Act"), has approved the Project Plan, including a Project Area and Project District Area for the Project; and

WHEREAS, Section 8 of the Act requires that before the LEDC acquires an interest in property or incurs obligations for a specific project, the corporation shall prepare a project plan, conduct a public hearing on the matter and secure the approval of the City Council; and

WHEREAS, at such hearing, the City Council shall provide an opportunity for all interested persons to be heard on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY COUNCIL AS FOLLOWS:

1. The following Project Area, as designated by the LEDC, is hereby certified as approved:

The building is divided into 4 different condominiums as well as land with the following parcel numbers:

33-01- 01-32-101-777 (land)
33-01-01-32-101-382
33-01-01-32-101-384
33-01-01-32-101-383
33-01-01-32-101-385

Legal description of the project area:

33-01-01-32-101-777 (land): ALL LANDS WITHIN THE PLATED CONDOMINIUM PROJECT, AND AS AMENDED, REFERRED TO AS THE GENERAL COMMON ELEMENTS; HOLMES ROAD MEDICAL-DENTAL CONDOS INGHAM COUNTY CONDOMINIUM PLAN NO 17

33-01-01-32-101-382: SUITE NO 1 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-383: SUITE NO 2 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-384: SUITE NO 3 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-385: SUITE NO 4 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

Land in the City of Lansing, County of Ingham, Michigan more particular described as:

2025 W. Holmes Road

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area is hereby established having the same description as the Project Area herein certified as approved.
3. The Lansing City Council hereby advises and confirms to the appointment by the Mayor of Charles Janssen & Timothy Murphy as two additional directors to the Board of Directors of the LEDC solely for this project, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.

4. A public hearing upon the Project Plan for such Project shall be held at 7:00 p.m. on September 14, 2009 in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan. At such hearing, the City Council shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.
5. The Lansing Economic Development Corporation has a proposed loan in the amount of \$50,000 for this project.
6. The City Clerk shall provide notice of the time and place of the hearing given by publication once in a newspaper of general circulation designated by the municipality, not less than 10 days before the date set for the hearing.
7. The City Clerk shall forward three (3) certified copies of this Resolution to the Lansing Economic Development Corporation.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-322

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission has received a request from the Michigan Brewing Company, Inc for a new Micro Brewer License with Outdoor Service to be located on city property at 402 S. Washington, Lansing; and

WHEREAS, Michigan Brewing Company, Inc. of 402 S. Washington has obtained the appropriate signatures to add a new Micro Brewer License with Outdoor Service; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, to review the request and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves a new Micro Brewer License with Outdoor Service to be located on city property at 402 S. Washington, Lansing for Michigan Brewing Company, Inc;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenbach

To reconsider the vote by which Resolution #322 of 2009 was adopted

Motion Carried

By Councilmember Kaltenbach

To accept a substitute for the resolution originally adopted

Motion Carried

The question being the original motion to adopt the resolution

Motion Carried

RESOLUTION #2009-330

BY COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, On the Boulevard Business Association has requested \$500.00 to defray costs for the rental for the showmobile and other costs associated with the Barbeque On the Boulevard to be held on September 12, 2009; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to On the Boulevard Business Association to defray costs for the rental of the showmobile and other costs associated with the Barbeque On the Boulevard to be held on September 12, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that On the Boulevard Business Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-331

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Old Town Business & Art Development Association has requested \$500.00 to defray costs associated with rentals for the 16th Annual Old Town BluesFest to be held on Friday, September 18, 2009, and Saturday, September 19, 2009; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Old Town Business & Art Development Association to defray costs associated with rentals for the 17th Annual Old Town BluesFest to be held on Friday, September 18, 2009 and Saturday, September 19, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Old Town Business & Art Development Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-332

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Harry's Lounge, Inc.

to Transfer Stock In 2009 Class C Licensed Business with Dance-Entertainment Permit, located at 404 Verlinden, Lansing, MI 48915, Ingham County through Transfer of 2,550 shares from Existing Stockholder, Aristides Arvanites to New Stockholder, Harea Bates; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Harry's Lounge, Inc. to Transfer Stock In 2009 Class C Licensed Business with Dance-Entertainment Permit, located at 404 Verlinden, Lansing, MI 48915, Ingham County through Transfer of 2,550 shares from Existing Stockholder, Aristides Arvanites to New Stockholder, Harea Bates;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-333

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Cynthia Sewell sought to eliminate special assessments of \$342.52, \$359.34 and \$527.46, (totaling \$1,229.32) for grass, board-up, and trash and debris, respectively, and all associated penalties and interest on the property tax bill of 311 E. Gier Street, Lansing, Michigan 48906; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, grants the claim filed by Cynthia Sewell on special assessments of \$342.52 and \$359.34 for grass and board-up, respectively, and denies the claim of \$527.46 for trash and debris assessment and offers a settlement of a reduction of \$250.00 on the property tax bill of 311 E. Gier Street, Lansing, Michigan 48906;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-334

BY COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Carl McDaniel sought to eliminate special assessments of \$729.92, \$375.52, and \$356.56 for three Board-Up and Title Searches and all associated penalties and interest on the property tax bill of 622 S. Clemens, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, August 24, 2009, to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Carl McDaniel of \$729.92, \$375.52, and \$356.56 (totaling \$1,462.00) for special assessments on three Board-Up and Title Searches and all associated penalties and interest on the property tax bill of 622 S. Clemens, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-335

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee General Services (the Committee) met over an extended period of time to consider a comprehensive review of and revision to the City Council Rules (the Rules), last amended September 11, 2006; and

WHEREAS, on July 27, 2009, the Committee finalized its review of a series of proposed revisions to the Rules; and

WHEREAS, pursuant to Rule 17 of the current Rules, the Committee has jurisdiction to "review and prepare amendments or revisions to Council Rules"; and

WHEREAS, the Committee has unanimously recommended proposed revisions to the City Council; and

WHEREAS, pursuant to Rule 42 of the current Rules, the proposed revisions shall be placed on the Agenda for Council receipt and review, but "shall not be considered for adoption sooner than the next Council meeting"; and

WHEREAS, the Committee's recommended revisions were placed on the Council Agenda for receipt at the August 10, 2009, Council meeting and maybe considered for adoption at the August 17, 2009, Council meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the City Council Rules, which are fully set forth below.

BE IT FURTHER RESOLVED that the City Council Rules, as amended pursuant to this Resolution, shall be kept on file in the Office of the City Clerk, and the City Clerk shall make copies thereof available to City Council, the Administration, and the public.

The Resolution was previously moved by Council Member Kaltenbach and a substitute was adopted.

By Council Member Allen to divide the question by having a separate vote on Rule 15, #19, the final two sentences.

Motion Carried

The question being the adoption of the resolution except the last two sentences of Rule 15, #19.

Motion Carried by the following Roll Call vote:

YEAS: Allen, Dunbar, Kaltenbach, Quinney, and Robinson

NAYS: Hewitt, Jeffries, and Wood

The question being the adoption of the last two sentences of Rule 15, #19.

Motion Failed by the following Roll Call vote:

YEAS: Dunbar and Quinney

NAYS: Allen, Hewitt, Jeffries, Kaltenbach, Robinson, and Wood

LANSING CITY COUNCIL RULES **(As amended on August 31, 2009)**

Rule 1. Sessions of Council. Regular meetings of Council, unless otherwise set forth by resolution of City Council, shall be held on Monday evenings of each week at a time, place and date to be set by resolution of Council. Special meetings may be called as provided in Section 3-202 of the City Charter.

Rule 2. Quorum; Attendance; Call of Council. Five members of Council shall constitute a quorum for the transaction of business, but a lesser number may compel the attendance of absentees or adjourn any meeting or hearing until a later date.

No Council member shall absent himself or herself from the Council meeting without first having obtained leave from the Presiding Officer. The Presiding Officer may revoke leaves of absence at any time.

A call of Council may be ordered by the majority of Council members present, whether a quorum or not, and in pursuance thereof, the Chief of Police, or any other person duly authorized by a majority of the Council members present and voting, may be dispatched for, and take into custody and bring before Council any Council members absent without leave.

THE PRESIDENT - POWERS AND DUTIES

Rule 3. Presiding at Sessions. The President of Council shall preside over all sessions of Council, or, in his or her absence, the Vice President shall preside. If both the President and Vice President are temporarily absent, then the most recent past President shall preside as Acting President.

Rule 4. Appointment of Committee Members; Creation of Ad-Hoc Committees. The President shall appoint all Council members to the standing committees, any Council ad-hoc advisory committee and to any outside agency (see Section 3-102.6 of the City Charter). The President shall appoint the Chairperson and Vice-Chairperson of each standing committee and any ad-hoc advisory committee. Each standing committee of City Council shall consist of three Council members. The President may, at his or her discretion, create or discharge any ad-hoc advisory committees.

Rule 5. Staff Operations. The President of Council shall be responsible for Council staff operations. The President may, at any time, delegate in writing the responsibility for Council staff operations to the Vice President.

THE CLERK'S DUTIES

Rule 6. Calling the Roll and Noting Absentees. The Clerk, or his or her Deputy Clerk, shall call the roll at the opening of each meeting of Council and announce whether or not a quorum is present. He or she shall announce the names of the Council members absent and enter the names of all absentees upon the record of proceedings.

Rule 7. Notice by the Clerk. The Clerk shall give notice, in writing, to committees, members of Council and City officers concerning the agenda items which have been referred to them by City Council.

Rule 8. Preparation of Agenda. The Clerk's office shall prepare and provide copies of packets to Council and the Mayor of an agenda of business to be considered at each regularly scheduled Council meeting and any special meetings of City Council. No item of business shall be placed on the agenda for a regular meeting of Council unless the original document, annotated with such approvals as may be required, has been presented for filing in the office of the Clerk by 4:00 p.m. on the Thursday immediately preceding the day of the Council meeting. The agenda for each such meeting shall be posted in the lobby of City Hall and Council Chambers not later than eighteen hours prior to the time of each such meeting, and at such other places as Council may deem appropriate.

Rule 9. Items Upon Agenda; Designated Items for Action. Any item of business not placed upon the Council agenda in accordance with the terms of Section 3-103.2 of the City Charter and the provisions of these Rules shall not be considered at any meeting of Council, unless this Rule is suspended by the affirmative vote of six members of Council. Individual Council members or committees may sponsor resolutions or ordinances (except initiatives and referendums presented by the citizenry) and place them on the Council agenda.

Resolutions may be sponsored by the Committee of the Whole if placed on the Council agenda by the President, or, in the President's absence, the Vice President, or by any four Council members when their names are typed at the top of each resolution so sponsored. Committee reports may be sponsored and placed on the Council agenda by committee Chairpersons or by any two members of the appropriate committees. Any committee report can be removed from the Council agenda at the committee Chairperson's discretion. City Council staff shall inform the Clerk's office of those items upon which action is to occur at the Council meeting. The Clerk's office shall be responsible for designating those items which are on the Council agenda for action.

Rule 10. Consent Agenda. In preparing the agenda, the Clerk's office shall place all Legislative Matters, except for those requiring more than five votes or a roll call vote, on the Consent Agenda.

All Legislative Matters on the Consent Agenda may be acted upon in one vote; provided, however, that any Council member may identify specific items that are not to be included in the single Consent Agenda vote, but which are to be discussed and voted upon separately. These items shall be removed from the Consent Agenda. Items removed from the Consent Agenda are to be considered as part of the regular portion of the meeting to which they relate.

SERGEANT-AT-ARMS

Rule 11. Powers and Duties. A police officer shall be present at all meetings of Council. The police officer shall be under the direction of the Presiding Officer, shall serve as security and as Sergeant-at-Arms of Council and shall have general charge and supervision of the Council Chambers, Council member offices, committee rooms, Council staff offices and work areas and all connecting hallways and passages.

COUNCIL MEMBERS

Rule 12. Speaking. When a Council member desires to speak, he or she shall first address the Chair. Debate shall be governed by Mason's Manual of Legislative Procedure, except where superseded by these Rules. When the Presiding Officer desires to speak on any agenda item identified as an action item, he or she shall turn over the Chair to the Vice Chair.

Rule 13. Compulsory Vote; Conflict of Interest. Each member of the Council shall vote on each question before the Council for a determination, unless excused therefrom by the affirmative vote of two-thirds of the members serving, except that no member shall vote on any question upon which that member has a conflict of interest or a financial interest other than as a citizen of the City. If a conflict of interest question is raised under this section at any Council meeting, such question shall be determined by a majority of those Council members present and qualified to vote before the main question shall be voted on, but the Council member affected shall not vote on such determination.

Rule 14. Important Items; Vote Requested. Any matter of business requiring the vote of more than five members of Council, which is defeated at a meeting at which all members of Council are not present, may be reconsidered at either of the first two meetings thereafter.

ORDER OF BUSINESS

Rule 15. Generally. The order of business of the City Council shall be on a printed agenda prepared by the City Clerk. The order of business for Council meetings shall be as follows:

1. Roll Call;
2. Meditation and Pledge of Allegiance;
3. Reading and approval of printed Council Proceedings;

4. Consideration of Late Items (Late items are to be considered as part of the regular portion of the meeting to which they relate);

5. Tabled Items, if any (Tabled items are to be considered as part of the regular portion of the meeting to which they relate);

6. Special Ceremonies;

7. Comments by Council members and City Clerk

8. Community Event Announcements (Time, Place, Purpose, or Definition of Event – 1 min.

9. Speaker registration for public comment on Legislative Matters;

The Clerk or his or her designee will announce that the public comment registration form(s) for those intending to address Council on legislative matters will be collected;

10. Mayor's Comments;

11. Show Cause Hearings;

Only persons who have received notice from the City as an interested party, or the interested party's agent with written permission, may speak on the agenda item which is the subject of a show cause hearing, for up to a total of 3 minutes.

12. Public Comment on Legislative Matters;

Comment on legislative matters consists of the following items as listed on the agenda: Public Hearings (other than show cause hearings), Consent Agenda Items, Resolutions, Ordinances for Introduction, and Ordinances for Passage.

Each member of the public who has registered to speak will have up to a total of three minutes to address Council on legislative matters. The Presiding Officer may reduce the amount of time allowed for each speaker if he or she determined that the number of registered speakers is so numerous that the meeting cannot be timely concluded without a reduction in the time allocated for each speaker.

13. Council Consideration of Legislative Matters;

Council will consider its agenda and legislative matters in the following order:

- a) Referral of Public Hearings;
- b) Consent Agenda;
- c) Resolutions for Action;
- d) Reports from Council Committees;
- e) Ordinances for Introduction and Setting of Public Hearings;
- f) Ordinances for Passage.

14. Speaker Registration for Public Comment on City Government Related Matters;

The Clerk or his or her designee will announce that the public comment registration form(s) for those intending to address council on City Government Related Matters will be collected;

15. Reports from City Officers or Boards and Commissions, Communications, Petitions, and other City Government Related Matters.

16. Motion of Excused Absence;

17. Remarks by Council members;

18. Remarks by the Mayor or Executive Assistant;

19. Public Comment on City Government Related Matters;

Each member of the public who has registered to speak will have up to a total of three minutes to address Council on City Government Related Matters that concern them. A City Government Related Matter is an issue or topic relevant to the operation or governance of the City. The Presiding Officer may reduce the amount of time for each speaker if he or she determines that the number of registered speakers is so numerous that the meeting cannot be timely concluded without a reduction in the time allocated for each speaker.

20. Adjournment.

Rule 16. Standing Committees. The standing committees of Council and their functions are as follows:

Development and Planning. Reviews economic development matters, E.D.C. projects and the five-year plan covering development goals, policies, services and overall direction; reviews all matters having to do with land use, including zoning, plats and historical designations; reviews proposed modifications to the Master Plan; reviews acquisition and disposition of public property; and reviews changes to C.D.B.G. programming.

General Services. Reviews licensing and regulation matters, personnel matters and human services; reviews matters pertaining to the arts, cultural and community-wide activities, special events and leisure time programs; has general oversight of City government operations (except those more specifically covered by another standing committee); reviews and prepares amendments or revisions to Council Rules; and develops policies that would turn over routine matters to the Administration wherever possible.

Intergovernmental Relations. Represents Council in outreach efforts to improve working relationship with other political entities, with regional agencies and, internally, with such bodies as the Board of Water and Light, the Housing Commission, and the Entertainment and Public Facilities Authority. Its primary charge is to lead in the exploration of intergovernmental cooperation, toward provision of needed services in the best manner by the most appropriate jurisdiction with the least duplication of effort, to include specific emphasis on achieving a regional approach to various issues.

Public Safety. Reviews service levels and issues related to public safety, including police, fire, ambulance, emergency services, traffic environment and the building inspection program.

Public Services. Reviews all matters pertaining to wastewater treatment, sewer and street needs, long range infrastructure and parks and recreation needs and development and the Municipal parking system, including parking enforcement and policies.

Ways and Means. Reviews all proposed modifications to the City's annual Budget and program audits prepared by the Internal Auditor, the City's short-range and long-range financial condition, workforce needs for City operations and financial impact statements developed on proposed actions; and reviews and develops policy recommendations on City financial and budget matters.

Council Personnel. This committee shall be comprised of four members and shall include the president, the vice-president, one at-large councilperson, and one ward councilperson. The vice-president shall serve as chair of the committee.

The Committee on Council Personnel shall consider, study and recommend with respect to the following council staff matters: recruitment; selection; discipline; performance evaluations; job descriptions; policy and procedure manual development; any other personnel matter referred to it by the council.

Except as may otherwise be provided herein, the President shall appoint a Chairperson and Vice Chairperson of each standing committee. In the temporary absence of the Chairperson, the Vice Chairperson shall act as Chairperson. The standing committees' functions shall be reviewed by the Council President and shall be adopted by resolution of Council during January of each year.

Rule 17. Duties of Committees; Quorum; Discharge of Committees.

All committees appointed by Council shall thoroughly investigate such matters as are referred to them and report their findings in a timely manner.

All committees appointed by Council, other than standing committees, shall have a fixed term of life and shall expire at such times unless extended by a majority vote of Council.

A quorum of a committee shall be a majority of the committee members serving.

A committee shall be discharged of any matter referred to it by an affirmative vote of two-thirds of the Council members at the Committee of the Whole or City Council meeting.

No Council committee, ad-hoc or standing, shall meet during a session of Council unless prior permission has been granted by Council. Any Council committee, ad-hoc, standing or Committee of the Whole, shall follow these Rules and Mason's Manual of Legislative Procedure whenever applicable. Every committee, standing or ad-hoc, shall provide an opportunity for the public to speak on items designated for action by the committee. The Chairperson of each committee, standing or ad-hoc, shall be responsible for setting and enforcing the rules governing public comment at his or her committee.

Rule 18. Rules of Decorum for Meetings. The Presiding Officer shall conduct Council meetings in an orderly manner. Members of Council and others in attendance shall obey directions of the Presiding Officer. Citizens and others attending Council meetings may address Council as specified in this Rule and Rule 14. Speakers will be requested to print their name, address, and the topic to be addressed on the appropriate registration form (Legislative or City Government Related Matters). The forms will be used to call speakers to the podium, allow Council members to determine if the speaker is from his or her Ward, and to assist in the accuracy of recording Council Proceedings.

Council meetings are business meetings. Their purpose is to conduct the City's business. Public speaking at the Council meeting is to provide citizens the opportunity to be heard, express their views, and inform the Council and the Administration. In no case is the opportunity of a citizen to speak to be in the nature of a debate and neither the Council nor the Administration is under any obligation to respond specifically to any speaker. All remarks shall be addressed to the Council, the Mayor, and Administration representatives through the Presiding Officer. Individual Council members, the Mayor, or representatives of the Administration present shall address the Presiding Officer for permission to inquire of speakers or members of the audience whenever he or she deems that such an inquiry may be helpful to City business.

No speaker called upon to speak shall by speech or conduct disturb, disrupt, delay, interfere with, or otherwise impede the orderly conduct of the Council meeting. Speakers shall adhere to the time limits established by these Rules and the Presiding Officer. Extension of a speaker's time limit is permissible at the discretion of the Presiding Officer; or on a motion of a Council member, by affirmative vote of two-thirds of the Council members serving.

No person in the audience at a Council meeting shall engage in speech or conduct which disturbs, disrupts, delays, interferes with or otherwise impedes the orderly conduct of the Council meeting, including, but not limited to whistling, stomping, clapping other than during special ceremonies, interrupting a speaker, or heckling.

The Presiding Officer may rule any member of the public who is a speaker, meeting attendee, or audience member out of order for failing to follow Council's Rules or the Presiding Officer's directions, and may take whatever action is necessary to restore order to the meeting.

ADOPTION OF ORDINANCES

Rule 19. Introduction; Consideration. Ordinances may be introduced by Council members at any regular meeting of Council in the regular order of business. All ordinances must be in writing and shall be approved as to form and section numbers by the City Attorney.

The regular order for consideration of ordinance proposals shall be:

- 1) Introduction, first reading by title;
- 2) Referral to the appropriate committee;
- 3) Public hearing on the ordinance scheduled by Council, which hearing shall be scheduled to be held not sooner than five days after notice of the hearing is posted on City bulletin boards; and
- 4) Second reading by title and passage.

These four steps shall take place in not less than two regular meetings of Council. This Rule shall not be suspended except by the affirmative vote of six Council members.

Rule 20. Manner of Introduction; Form. In each ordinance amending an existing ordinance, changes or new matter shall be placed in capital type, and matter which has been omitted shall be indicated by printing in stricken through type. Every ordinance shall have endorsed thereon the name of the Council member introducing it. In the drafting of proposed ordinances, the lines on each page shall be numbered consecutively. The City Clerk's office shall meet reasonable requests for copies. They shall not be printed in Official Proceedings of the City Council of the City of Lansing until they are finally enacted.

Rule 21. First Reading, Referral and Report. All ordinances, on introduction, shall be read by title and shall be referred to the appropriate committee.

Rule 22. Readings. Every ordinance shall receive two readings by title previous to its being passed, and no ordinance shall be amended or committed until it has been read by title once..

Rule 23. Amendment at Final Reading. A vote of five Council members is required to adopt any amendment at the second reading of any ordinance recommended for passage.

Rule 24. Commitment Before Final Passage. It shall be in order at any time before the final passage of any ordinance to move its commitment or recommitment.

Rule 25. Final Vote; Publication. On final passage of all ordinances, the vote shall be taken by yeas and nays and entered upon the record of proceedings. No ordinance shall be declared passed unless five or more Council members have voted therefor. Upon passage, all ordinances shall be published in a newspaper of general circulation within the City with notice of their passage.

COMMITTEE OF THE WHOLE

Rule 26. Chairperson of Committee. When Council resolves itself into a Committee of the Whole, the President shall preside, except that in his or her absence, the Vice President shall preside. In the absence of both the President and the Vice President, the most recent past President of Council shall preside.

Rule 27. Rules in Committee. The Rules of Council shall be observed in the Committee of the Whole except for limiting debate and moving to vote immediately. A motion that the Committee rise shall always be in order and shall be decided without debate. Motions recommending action by Council shall take precedence in the same order as analogous motions in Council. A motion to reconsider shall be in order in the Committee of the Whole.

MOTIONS AND RESOLUTIONS

Rule 28. Statement; Reduction to Writing; Withdrawal. No motion or resolution shall be adopted until stated by the Chair. A motion shall be reduced to writing if required by any Council member, and, when presented in writing, shall be read by the Clerk before the same shall be open to debate. A resolution shall always be reduced to writing before being adopted. A request by any Council member for a reasonable recess to reduce a motion or resolution to writing shall always be in order and shall be granted. Any motion or resolution may be withdrawn by the sponsor at any time before decision or amendment.

Rule 29. Precedence of Motions. When a question is under debate, no motion shall be received except:

- 1) To adjourn;
- 2) To take a recess;
- 3) To lay on the table;
- 4) Call to question;
- 5) To postpone to a day certain;
- 6) To refer or re-refer;
- 7) To amend; or
- 8) To postpone indefinitely.

Such motions shall take precedence in the order in which they appear above.

Rule 30. Motion to Adjourn; Nondebatable Motions. A motion to adjourn shall always be in order. A motion to adjourn, to recess, to lay upon the table or to vote immediately, and all questions relating to the priority of business, shall be decided without debate.

Rule 31. Motion to Lay on the Table. A decision to lay upon the table shall carry with it all questions to which it is attached, except in the case of laying an appeal (as explained in Rule 40) on the table.

Rule 32. Indefinite Postponement. A motion to postpone indefinitely the further consideration of any ordinance, motion, resolution or other matter shall require the votes of five Council members to carry it, and the vote upon such a motion shall not be reconsidered. A motion to lay on the table, or a motion to reconsider the vote by which any ordinance, motion or resolution has failed to pass Council, if agreed to, shall have the effect of postponing indefinitely the consideration hereof, and shall require the votes of five Council members to carry it.

Rule 33. Reconsideration. When a question has been once decided, it shall be in order for any Council member to move the reconsideration thereof, but no motion for reconsideration shall be in order unless made on the same day the vote was taken, or at the next regular meeting of Council. No question shall be reconsidered more than once. A motion to reconsider the vote by which any ordinance, motion or resolution has passed Council shall require the votes of five Council members to carry it.

Rule 34. Effect of Tabling Motion to Reconsider. It shall not be in order to take from the table a motion to reconsider, nor shall the vote whereby any motion to reconsider was laid on the table be reconsidered.

MISCELLANEOUS

Rule 35. Division of Question. Any Council member may call for a division of any pending question, which shall be divided if it comprehends propositions so distinct that if one is taken away, a substantive proposition shall remain.

Rule 36. Roll Call Vote. The affirmative and negative votes shall be taken and recorded on all ordinances, and whenever requested by one or more Council members, on any other matter.

Rule 37. Other Business Cannot Interrupt Roll Call. When the yeas and nays are demanded upon any question, and after the question is stated by the Chair, the Clerk is directed to call the roll. After the first vote is given, no Council member shall be entitled to speak on the question, nor shall any motion be in order until such roll call is completed and the result declared.

Rule 38. Appeals. Any Council member may appeal from any decision of the Chair. On all appeals the question shall be: "shall the decision of the Chair stand as the judgment of Council?" Appeals shall be debatable except when Council is under operation of the order to vote immediately, or when the decision appealed from relates to the priority of business.

Rule 39. Laying Appeal Upon the Table. Any appeal may be laid upon the table, but it shall not carry with it the subject matter before Council at the time such appeal is taken.

Rule 40. Suspension of Rules. Any Rule may be suspended by a vote of six Council members.

Rule 41. Amendment; Repeal and Re-Adoption of Rules. A motion to amend or repeal any Council Rule shall require the votes of five Council members. These Rules may be revised or amended and re-adopted by Council as it deems appropriate. A motion made under this Rule shall not be considered for adoption sooner than the next Council meeting.

Rule 42. Parliamentary Practice. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern in all cases in which they are not inconsistent with the standing Rules and orders of Council or the City Charter during all meetings of Council and its committees and committees appointed by Council.

Rule 43. Closed Sessions. Council may meet in Closed Session pursuant to and consistent with the Michigan Open Meetings Act.

A closed session may be requested by the Mayor, the President or any two Council members at any regular or special meeting. The person requesting a closed session shall state the purpose of such session. The stated purpose of the closed session shall constitute the only agenda item(s) for the closed session.

Whenever Council enters a closed session in the tenth floor Conference Room of City Hall, all persons not required for the closed session shall immediately leave the Conference Room and clear adjacent areas. The Council lobby shall be the nearest congregating area for those waiting to re-enter the meeting upon completion of the closed session when the closed session is held in the tenth floor Conference Room of City Hall.

Rule 44. Council Parking. Each member of Council shall have a permanently assigned parking space in the basement of City Hall. These parking bays shall be nonassignable and shall be used exclusively by the Council members unless prior approval has been given by that Council member.

Rule 45. Compensation of Judges. If Council is requested or desires to appropriate money for the purpose of increasing the salary level of the Judges of the 54-A District Court, before action is taken thereon, the President of Council shall appoint an ad-hoc citizens advisory committee of five members, which committee shall examine the Judges' salaries and any proposals to raise them and recommend to Council what, if any, increase is appropriate. Council shall consider the recommendation of the committee in determining what, if any, increase in the Judges' salaries should be granted.

Rule 46. Physical Presence Required. A member of Council must be physically present at any Council meeting, any Committee of the Whole

meeting, any standing Council meeting or any special ad-hoc Council meeting, in order to vote or be counted as part of a quorum.

RESOLUTION #2009-336

BY THE COMMITTEE ON PERSONNEL
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on Personnel established a selection process for hiring the City Council Principal Clerk – Level 25; and

WHEREAS, the Committee on Personnel held interviews on Thursday, August 6, 2009, and recommends Danielle Denise Stubbs for the position of the City Council Principal Clerk;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, appoints Danielle Denise Stubbs for the position of the City Council Principal Clerk – Level 25, Step 5.

By Council Member Quinney

Motion Carried

RESOLUTION #2009-337

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Police Department (LPD) submitted a 100% Federally-funded grant application (#2009-RK-WX-0440) to the U.S. Bureau of Justice Assistance for a four-year Community Oriented Police Services (COPS) Hiring Recovery Program, also known as CHRP; and

WHEREAS, the LPD application was accepted by the Bureau of Justice Assistance, Office of Community Oriented Policing Services; and

WHEREAS, the CHRP grant is designed to prevent impending loss of community oriented police officers and to increase capacity for crime prevention; and

WHEREAS, the COPS administration will award \$867,768 for the duration of three (3) years, to be followed by one (1) additional year of non-federal funding at the same level of service; and

WHEREAS, the federal award of \$867,768 requires no local funding for the first three (3) years of the four-year grant agreement; and

WHEREAS, the CHRP grant will fund the compensation (entry-level rate, then two steps) of two (2) officers previously associated with Community Development Block Grant (CDBG) community policing, and also the compensation (entry-level rate, then two steps) of two (2) officers who will assist with the re-entry of prison parolees to the community and also will monitor registered sex offenders in the community;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves acceptance of the COPS Hiring Recovery Program grant in the total amount of \$867,768 (requiring only fourth-year city funding) for the grant period beginning July 1, 2009, and ending June 30, 2013, to fund four officers both for CDBG areas and for parolee and sex offender monitoring;

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

By Council Member Wood

Motion Carried

RESOLUTION #2009-338

BY THE COMMITTEE ON WAYS AND MEANS
APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Byrne Grant - Approval to Accept the American Recovery and

Reinvestment Act of 2009, Byrne Justice Assistance Grant

WHEREAS, the City of Lansing and the City of Lansing Domestic Violence Court has applied through the State of Michigan, the Office of Drug Control Policy, and the Reinvestment Act of 2009 Byrne Justice Assistance Grant; and

WHEREAS, the Lansing Mayor's Office reviewed the grant and authorized its submission to the Office of Drug Control Policy; and

WHEREAS, the Office of Drug Control Policy has awarded \$271,662 in grant funds to be used over a three-year period to prevent future crimes and ensure domestic violence victim safety in the City of Lansing through the use of an electronic monitoring tether system and random home visits; and

WHEREAS, there are no matching funds required by the City of Lansing; and

WHEREAS, the Byrne Justice Assistance Grant will provide funds for active GPS tether monitoring of domestic violence offenders that will allow proper law enforcement officials and the victims of crimes to be alerted if an offender has violated a protected zone; and

WHEREAS, the Byrne Justice Assistance Grant will provide funds for the assigned Domestic Violence Court probation officer to perform random home visits to offenders' residences to ensure adherence to court orders; and

WHEREAS, the GPS Electronic Monitoring tether program and random home visits are expected to:

- reduce Domestic Violence-related homicides,
- prevent further violence in the Lansing community,
- ensure Domestic Violence victim safety,
- hold batterers accountable for their actions, and
- reduce the City of Lansing's expenses associated with future crimes, including the cost of arrests, investigation, prosecution, and judicial resources; and

WHEREAS, Lansing Police Department Chief Mark Alley has agreed to assist the assigned Domestic Violence Court probation officer to protect the public; and

WHEREAS, the use of the GPS tether system and random home visits will further the Lansing Domestic Violence Court's recognition throughout the nation as a model for Domestic Violence Courts;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves acceptance of the Byrne Justice Assistance Grant in the amount of \$271,662, for completion of the activities funded by the grant;

BE IT FINALLY RESOLVED, that Mayor Virg Bernero, on behalf of the City of Lansing, is authorized to accept the above described award; that he is hereby authorized to sign the grant agreement, to establish new and separate expenditure accounts for it as necessary, and to take such other action as may be required to implement the grant.

By Council Member Wood

Motion Carried

RESOLUTION #2009-339

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfer be approved:

Public Service
Storm Sewer Maintenance

\$ 33,697.17 from Fringe Benefits 101.453615.715000.0
\$ 33,697.17 to Operating Transfer – Police 101.966000.999273.00032

(To provide the majority local match previously unbudgeted for an annual renewable federal grant to the Lansing Police Department for the Gang Resistance Education and Training (GREAT) project, a project operating in the curricula of selected elementary and middle schools. The Operating Transfer provides the majority local match only for the six months period beginning January 1, 2009 and ending June 30, 2009. The FY09 adopted budget already provides \$7,500 original operating transfer for the GREAT project, in addition to this transfer.)

State/Federal Programs
Gang Resistance Education and Training (GREAT)

\$42,029.43 from Federal Revenue (County Sub-Grant)
273.0.527001.17083

\$ 41,197.17 from Operating Transfer 101 (Police)
273.0.696101.17083

\$ 57,499.02 to GREAT Salaries
273.343251.702000.17083

\$ 14,885.87 to GREAT Fringe Benefits
273.343251.715000.17083

\$10,841.71 to GREAT Miscellaneous Operating
273.343251.741000.17083

(To appropriate the first \$83,226.60 part of the GREAT renewal grant covering actual expenses attributed to the six months grant operation beginning January 2009 and ending June 2009. The remainder \$155,493.40 part of the \$238,720.00 adjusted grant award will be appropriated in a separate FY10 Council resolution.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-340

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2010 transfer be approved:

Police
North Precinct (Patrol)

\$ 43,542.20 from Fringe Benefits 101.343251.702000.0
\$ 37,780.63 from Fringe Benefits 101.343251.715000.0
\$ 81,322.83 to Operating Transfer – Police 101.966000.999273.00032

(To provide the remainder local match previously unbudgeted for an annual renewable federal grant to the Lansing Police Department for the Gang Resistance Education and Training (GREAT) project, a project operating in the curricula of selected elementary and middle schools. The Operating Transfer provides the local match only for the eight months period beginning July 1, 2009 and ending approximately February 19-26, 2010.)

State/Federal Programs
Gang Resistance Education and Training (GREAT)

\$74,170.57 from Federal Revenue (County Sub-Grant)
273.0.527001.17083

\$81,322.83 from Operating Transfer 101 (Police)
273.0.696101.17083

\$73,243.39 to GREAT Salaries
273.343251.702000.17083

\$ 63,551.72 to GREAT Fringe Benefits
273.343251.715000.17083

\$18,698.29 to GREAT Miscellaneous Operating
273.343251.741000.17083

(To appropriate the last \$155,493.40 part of the GREAT renewal grant covering project operations beginning July 1, 2009 and ending approximately February 19-26, 2010.)

By Council Member Wood

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE OF THE WHOLE

Confirmation of Reappointment of Thomas Hay to the Elected Officers Compensation Commission for an At-Large Term to Expire June 30, 2016

By Council Member Robinson

To recommit this item

Motion Carried

RESOLUTION #2009-341

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Phil Clacko as a Business Owner Representative on the Principal Shopping District Board for a term to expire June 30, 2012.

WHEREAS, the Committee of the Whole met on August 31, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Phil Clacko as a Business Owner Representative on the Principal Shopping District Board for a term to expire June 30, 2012.

By Council Member Robinson

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-342 COMMITTEE REPORT

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on Wednesday, August 26, 2009, and reviewed the ordinance amendment of Section 1246.02 of the Code of Ordinances of the City of Lansing providing for the rezoning of the property located at 1141 N. Pine Street, Z-1-2009, from "B" Residential District to "D-1" Professional Office District.

The Committee recommends approval of the ordinance amendment of Section 1246.02 of the Code of Ordinances of the City of Lansing providing for the rezoning of the property located at 1141 N. Pine Street, Z-1-2009, from "B" Residential District to "D-1" Professional Office District.

By the Committee on Development and Planning

Signed: Brian Jeffries, Chair
Sandy Allen, Vice Chair
Derrick Quinney, Member

By Council Member Jeffries

To receive this Committee Report

Motion Carried

RESOLUTION #2009-343
COMMITTEE REPORT

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on Wednesday, August 26, 2009, and reviewed the ordinance amendment of Section 1246.02 of the Code of Ordinances of the City of Lansing providing for the rezoning of the property located at 1114 W. Ionia Street, Z-3-2009, from "B" Residential District to "C" Residential District.

The Committee recommends approval of the ordinance amendment of Section 1246.02 of the Code of Ordinances of the City of Lansing providing for the rezoning of the property located at 1114 W. Ionia Street, Z-3-2009, from "B" Residential District to "C" Residential District.

By the Committee on Development and Planning

Signed: Brian Jeffries, Chair
Sandy Allen, Vice Chair
Derrick Quinney, Member

By Council Member Jeffries

To receive this Committee Report

Motion Carried

ORDINANCES FOR PASSAGE

ORDINANCE #2549

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-1-2009
Address: 1141 N. Pine Street
Parcel Number: PPN: 33-01-01-08-427-091
Legal Descriptions:

Part of the SW 1/4 of Section 9, T4N-R2W, City of Lansing, Ingham County, Michigan and part of Lots 1, 2 & 3 of Block 26 of the "Map of the Subdivision of Blocks 26 and 27 in Town of Michigan", more particularly described as beginning at a M.A.G. nail at the intersection of the W line of N. Pine Street (82.5 feet) and the S line of W. Willow Street (variable width), said point also being the NE Corner of Lot 1, Block 26, thence S01°45'54" W, 292.14 feet along the W line of N. Pine Street for a place of beginning; thence continuing on said W line of Pine Street S01°45'54" W, 101.60 feet to the SE Corner of Lot 3, Block 26 of said plat and the N line of vacated W. Grand River Avenue; thence N88°08'49" W, 240.00 feet; thence N01°45'54" E, 101.49 feet; thence S88°10'25" E, 240.00 feet to the point of beginning. Containing .56 acres +/-, City of Lansing, Ingham Co., MI, from "B" Residential District to "D-1" Professional Office

District, with the following conditions, which shall run with the land and be binding upon the successor owners of the land:

- (1) Building uses shall be limited to professional and business offices, such as attorneys, accountants, architects, engineers, designers, insurance agents, consultants and non-profit agencies (except those agencies addressing formerly or currently criminal or addictive behaviors), or other similar uses;
- (2) Surface parking shall be limited to 9 spaces; and
- (3) Exterior lighting shall use low-intensity, shielded fixtures in order to limit light-trespass to the standard for Lighting Zone 3 set by ASHRAE 90.1 – 2004.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on August 31, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

NAYS: None

ABSENT: None

By Councilmember Jeffries

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #2550

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-3-2009
Address: 1114 W. Ionia Street
Parcel Number: PPN: 33-01-01-17-255-091
Legal Descriptions: West 5 Rods of the South 8 Rods of Lot 1, Block 1, French's Subdivision, City of Lansing, Ingham Co., MI, from "B" Residential District to "C" Residential District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on August 31, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

NAYS: None

ABSENT: None

By Councilmember Jeffries

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Public Improvement IV; Curb and Gutter, Storm Sewer and Drive Approach for all lands fronting Raymond Dr. from Grand River Ave. to the north end, and Bliesener St. from west of Picardy St. to Pheasant Ave., excepting all public streets and alleys and other lands deemed not benefited

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- ii. Requests for Public Hearings regarding Applications for Business Financing Assistance Program Loans submitted by

1. Moebius Technologies, LLC for property located at 2127 West Willow St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. His Healing Hands Urgent Care Center, Inc. for property located at 2025 W. Holmes St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Request for Public Hearing regarding IFT-02-09; Application for Industrial Facilities Tax Exemption Certificate filed by Demmer Corporation for property located at 705 E. Oakland Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Brownfield Plan #8B Amendment – Jackson National Life, Lansing Data Center

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Application for Exemption of New Personal Property submitted by Jackson National Life Insurance Company for property located at 2005 Seager St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Transfer of Funds; Community Development Block Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of the issuance of a permit to Peckham, Inc. to allow for the construction of a 12 inch diameter storm water outfall with 50 cubic yards of riprap

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Letters from the Ingham County Drain Commissioner's Office providing notice of meetings of the Statutory Drainage Board to be held August 31, 2009 for the following Chapter 20 Drains:

- i. Pawlowski Creek and Bogus Swamp

RECEIVED AND PLACED ON FILE

- ii. Smedley Coolidge and Montgomery

RECEIVED AND PLACED ON FILE

- c. Letters from the Capital Area Transportation Authority (CATA) Submitting a copy of its 2009 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- d. Request for Recognition of Non-Profit Status in the City of Lansing submitted by ACORN of Lansing, a Local Group affiliated with ACORN Institute, Inc., located at 809 Center St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- e. Community Funding Reporting statement submitted by Gier Area Neighborhood Watch #158 for its National Night Out Family Event held August 4, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Application for Community Funding submitted by Capital Area African American Cultural Association for its Parade and Festival to be held September 26, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

AUGUST 31, 2009

COUNCIL PROCEEDINGS

274

ADJOURNED TIME 11:57 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF SEPTEMBER 10, 2009**



Kathi Raffone of 1221 Muskegon Ave. spoke about Show Cause Hearings.

Stan Shuck of 818 Cooper Ave. spoke about Show Cause Hearings.

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 1:30 p.m. by President Quinney.

PRESENT: Council Members Allen, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Council Member Dunbar

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Vice President Robinson announced the Barbecue on the Boulevard event and the next 2nd Saturdays meeting for residents of the 3rd Ward.

Council Member Wood announced the Resurrection Church Hog Roast and the Walk for Christ events.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the Parks 5 year master plan meeting. He stated that the latest Project Homeless Connect event was taking place today at the former National Guard Armory. He spoke about the city's involvement in the upcoming United Way campaign.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

John Pollard of 1718 Blair St. spoke in opposition to consideration of Brownfield Development Plan #8B Amendment and an Application for New Personal Property Exemption filed by Jackson National Life Insurance Company.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to consideration of Brownfield Development Plan #8B Amendment and an Application for New Personal Property Exemption filed by Jackson National Life Insurance Company.

LEGISLATIVE MATTERS

CONSENT AGENDA

RESOLUTIONS

RESOLUTION #2009-344

BY COUNCIL MEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 1912 N. High Street, Parcel # 33-01-01-10-104-021 and Legal Description: Lot 3 Block 1 Ballards Add to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on July 24, 2007, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on , the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, September 21, 2009, at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 1912 N. High Street to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Allen

Motion Carried

RESOLUTION #2009-345

BY COUNCIL MEMBER ERIC HEWITT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Old Town Commercial Association (OTCA) is a non-profit organization dedicated to the revitalization of Lansing's Old Town through socioeconomic development, historic preservation, business recruitment, and community outreach; and

WHEREAS, The Old Town Community Build Project began as an idea from OTCA volunteers and business owner, Heather Chunko, who sat on the Economic Restructuring Committee; and

WHEREAS, Heather saw the construction of a playground as an opportunity to better utilize Burchard Park, connect the River Trail to the community, and provide family friendly activities in Old Town; and

WHEREAS, having participated in Community Build Projects in other communities, Heather, with the assistance of the OTCA, began a two-year journey working towards the objectives set; and

WHEREAS, after receiving a grant from the Capital Area Community Foundation, Heather was able to create a partnership with the City of Lansing Parks and Recreation Office and realize her vision. On August 15, 2009, Heather and fifty Lansing volunteers convened in Burchard Park and built a playground for the whole community.

WHEREAS, Volunteers built the playground from the ground up, from pouring cement to moving 120 Yards of mulch. Local businesses, including Kincaid Building Group, Triterra, Two Men & A Truck, Dave Clark Builders, and Coldstone Creamery generously provided much needed, essential support. Once finished, they celebrated their remarkable achievement with children from all over the Lansing area, beginning with a ribbon cutting ceremony.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its deep appreciation to Heather Chunko, the Old Town Commercial Association, and the businesses for their dedication to the revitalization of Lansing and strengthening community bonds.

By Council Member Hewitt

Motion Carried

RESOLUTION #2009-346

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Brownfield Plan #8B Amendment
Jackson National Life Insurance Company
Lansing Data Center Redevelopment Project

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared an amended Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 2005 Seager Street, located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on September 21, 2009 at 7:00 p.m. on Brownfield Plan #8B – Lansing Data Center Redevelopment Project, for property located within the boundary more particularly described as:

Parcel #1 33-01-01-04-380-007

N 66 FT OF E 73.26 FT LOT 7 OF TOWNSEND'S SUB ON SEC'S 4, 5, 8 & 9; ALSO LOT 13 TURNER & SMITH'S SUB; ALSO PART SW 1/4 SEC 4 COM NE COR LOT 12 SAID SMITH'S SUB, TH W 403.11 FT, N 176.24

FT, W 255.91 FT, N 596.68 FT TO CON RAIL RR R/W, SE'LY ALONG R/W 819.65 FT TO POINT DUE N OF BEG, S 285.4 FT TO BEG; SEC 4 T4N R2W EX PART OF THE LOT 13, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL OFFICE ON NOVEMBER 24, 1873, PART OF LOT 7, TOWNSEND'S SUBDIVISION AS RECORDED WITH THE DEPUTY REGISTER ON MARCH 21, 1866 AND PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT, 13; THENCE SOUTH 00 DEGREES 12 MINUTES 36 SECONDS EAST 66 00 FEET ALONG THE EAST LINE OF LOT 13 AND' THE WEST LINE OF SEAGAR STREET (66 FEET WIDE); THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 131.19 FEET ALONG THE SOUTH LINE OF LOT 13 TO THE SOUTHWEST CORNER OF LOT 13; THENCE NORTH 89 DEGREES 41 MINUTES 08 SECONDS WEST, 73.26 FEET ALONG THE SOUTH LINE OF THE NORTH 66 FEET OF LOT 7; THENCE NORTH, 66.00 FEET ALONG THE WEST LINE OF THE EAST 73.26 FEET OF LOT 7 TO THE NORTH LINE OF LOT 7; THENCE NORTH, 156 26 FEET; THENCE EAST 205.39 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 32 SECONDS WEST, 157.49 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 13 TO THE POINT OF BEGINNING. EX PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 12, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL'S OFFICE ON NOVEMBER 27, 1873; THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 139.85 FEET ALONG THE NORTH LINE OF LOT 12; THENCE NORTH 00 DEGREES 21 MINUTES 32 SECONDS EAST, 385.22 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 12 TO THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 53 DEGREES 20 MINUTES 38 SECONDS EAST, 168.67 FEET ALONG THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 00 DEGREES 25 MINUTES 32 SECONDS EAST, 285.40 FEET TO THE POINT OF BEGINNING.

Parcel #2 33-01-01-04-380-008

PART OF THE LOT 13, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL OFFICE ON NOVEMBER 24, 1873, PART OF LOT 7, TOWNSEND'S SUBDIVISION AS RECORDED WITH THE DEPUTY REGISTER ON MARCH 21, 1866 AND PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT, 13; THENCE SOUTH 00 DEGREES 12 MINUTES 36 SECONDS EAST 66 00 FEET ALONG THE EAST LINE OF LOT 13 AND' THE WEST LINE OF SEAGAR STREET (66 FEET WIDE); THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 131.19 FEET ALONG THE SOUTH LINE OF LOT 13 TO THE SOUTHWEST CORNER OF LOT 13; THENCE NORTH 89 DEGREES 41 MINUTES 08 SECONDS WEST, 73.26 FEET ALONG THE SOUTH LINE OF THE NORTH 66 FEET OF LOT 7; THENCE NORTH, 66.00 FEET ALONG THE WEST LINE OF THE EAST 73.26 FEET OF LOT 7 TO THE NORTH LINE OF LOT 7; THENCE NORTH, 156 26 FEET; THENCE EAST 205.39 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 32 SECONDS WEST, 157.49 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 13 TO THE POINT OF BEGINNING.

Parcel #3 33-01-01-04-380-009

PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 12, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION

AS RECORDED IN THE AUDITOR GENERAL'S OFFICE ON NOVEMBER 27, 1873; THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 139.85 FEET ALONG THE NORTH LINE OF LOT 12; THENCE NORTH 00 DEGREES 21 MINUTES 32 SECONDS EAST, 385.22 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 12 TO THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 53 DEGREES 20 MINUTES 38 SECONDS EAST, 168.67 FEET ALONG THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 00 DEGREES 25 MINUTES 32 SECONDS EAST, 285.40 FEET TO THE POINT OF BEGINNING.

And that the City Clerk cause notice of such hearing to be published on both September 11 and 12, 2009 in a publication of general circulation, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #8B and the scheduled public hearing.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-347

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Public Act 328 of 1998, the Jackson National Life Insurance Company (Jackson) has made Application for Exemption of New Personal Property (PPE-1-09) for an area commonly known as 2005 Seager St., Lansing, MI, which is contained within the Lansing Brownfield Redevelopment Zone, established by the Lansing City Council on August 18, 1997 pursuant to Act 381 of 1996, as amended, and

WHEREAS, prior to acting upon this request, the City desires to hold a public hearing on Jackson's Application for Exemption of New Personal Property (PPE-1-09), to allow for all residents, taxpayers and other interested persons to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 21st day of September, 2009 at 7:00 p.m., on the Jackson's application for New Personal Property Exemption on the following described property:

N 66 FT OF E 73.26 FT LOT 7 OF TOWNSEND'S SUB ON SEC'S 4, 5, 8 & 9; ALSO LOT 13 TURNER & SMITH'S SUB; ALSO PART SW 1/4 SEC 4 COM NE COR LOT 12 SAID SMITH'S SUB, TH W 403.11 FT, N 176.24 FT, W 255.91 FT, N 596.68 FT TO CON RAIL RR R/W, SE'LY ALONG R/W 819.65 FT TO POINT DUE N OF BEG, S 285.4 FT TO BEG; SEC 4 T4N R2W EX PART OF THE LOT 13, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL OFFICE ON NOVEMBER 24, 1873, PART OF LOT 7, TOWNSEND'S SUBDIVISION AS RECORDED WITH THE DEPUTY REGISTER ON MARCH 21, 1866 AND PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT, 13; THENCE SOUTH 00 DEGREES 12 MINUTES 36 SECONDS EAST 66.00 FEET ALONG THE EAST LINE OF LOT 13 AND THE WEST LINE OF SEAGAR STREET (66 FEET WIDE); THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 131.19 FEET ALONG THE SOUTH LINE OF LOT 13 TO THE SOUTHWEST CORNER OF LOT 13; THENCE NORTH 89 DEGREES 41 MINUTES 08 SECONDS WEST, 73.26 FEET ALONG THE SOUTH LINE OF THE NORTH 66 FEET OF LOT 7; THENCE NORTH, 66.00 FEET ALONG THE WEST LINE OF THE EAST 73.26 FEET OF LOT 7 TO THE NORTH LINE OF LOT 7; THENCE NORTH, 156.26 FEET; THENCE EAST 205.39 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 32 SECONDS WEST, 157.49 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 13 TO THE POINT OF BEGINNING. EX PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM

COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 12, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL'S OFFICE ON NOVEMBER 27, 1873; THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 139.85 FEET ALONG THE NORTH LINE OF LOT 12; THENCE NORTH 00 DEGREES 21 MINUTES 32 SECONDS EAST, 385.22 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 12 TO THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 53 DEGREES 20 MINUTES 38 SECONDS EAST, 168.67 FEET ALONG THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 00 DEGREES 25 MINUTES 32 SECONDS EAST, 285.40 FEET TO THE POINT OF BEGINNING,

and, that the City Clerk cause to be published on Friday, September 11, 2009 in a publication of general circulation, giving notice of such hearing, and that the City Clerk also shall notify the Lansing City Assessor and the legislative body of each taxing unit that levies ad valorem property taxes in the eligible local assessing district in which the eligible district is located. Before acting on the resolution, the Lansing City Council shall afford an opportunity for all residents, taxpayers of the City of Lansing, other interested persons, including but not limited to the City Assessor and representatives of the affected taxing units, to appear and be heard on the approval of a new Personal Property Exemption (PPE-1-09).

By Council Member Jeffries

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON PUBLIC SAFETY

Requiring the owner of property located at 1023 E. Grand River Ave.. to Make Safe or Demolish their property within sixty days of September 10, 2009

By Council Member Allen

To recommit this item

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON PUBLIC SAFETY

Requiring the owner of property located at 1025 E. Grand River Ave.. to Make Safe or Demolish their property within sixty days of September 10, 2009

By Council Member Allen

To recommit this item

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Incentive Pre-Agreement, OPRA District request, OPRA Certificate Application, Brownfield Briefing Memo and Brownfield Plan for Old Town Temple Building located at 502 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Sole Source Purchase; Police Department request for Advanced Public Safety as the vendor for Electronic Ticket Writers for the City of East Lansing

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Traffic Control Order 09-049 and Secretary Report; Installation of stop signs on Dunlap St. at the intersection of Tenny St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iv. Traffic Control Order 09-050 and Secretary Report; Installation of stop signs on Wakefield Ave. at the intersection of Strathmore Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- v. Traffic Control Order 09-051 and Secretary Report; Installation of stop signs on Everett Ln. at the intersection of Hodge Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- vi. Traffic Control Order 09-052 and Secretary Report; Installation of stop signs on Wayburn Rd. at the intersection of Kensington Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- vii. Traffic Control Order 09-053 and Secretary Report; Installation of stop signs on Lincoln Ave. at the intersection of Teel Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- viii. Traffic Control Order 09-054 and Secretary Report; Installation of stop signs on Palmer St. at the intersection of Dunlap St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of the issuance of a permit to the Board of Water and Light to allow for the placement of 50 cubic yards of fill along 220 feet of the Grand River at Cooling Tower Number 5 at the Island Avenue Station

RECEIVED AND PLACED ON FILE

- b. Letters from the State of Michigan Liquor Control Commission:
 - i. Providing notice of an appeal hearing to be held September 29, 2009 regarding the denial of a request by AHR Ventures, Inc. for a new SDM License located at 3333 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- ii. Providing 15-Day Notice of a request from Lansing Grocery, Inc. to Transfer Ownership of Escrowed 2009 SDD & SDM Licensed Business from Ho Tran, Inc. and Transfer Location from 3135 S. Pennsylvania Ave. to 1901 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Letter from the Ingham County Treasurer's Office submitting a foreclosure list for properties located in the City of Lansing

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Letters from Rehmann Robson Providing a copy of its consent letter regarding:
 - i. The City of Lansing Building Authority, Counties of Ingham and Eaton, State of Michigan, 2009 Building Authority Refunding Bonds (Limited Tax General Obligation)

RECEIVED AND PLACED ON FILE

- ii. Tax Increment Finance Authority of Lansing, Counties of Ingham and Eaton, State of Michigan, 2009 Refunding Bonds (Limited Tax General Obligation)

RECEIVED AND PLACED ON FILE

- e. Letter from the Lansing Association for Human Rights acknowledging Mayor Bernero and Councilmember Dunbar's work on behalf of the Lesbian, Gay, Bisexual and Transgendered community

RECEIVED AND PLACED ON FILE

- f. Letter from Comcast Cable providing notice of channel lineup changes effective September 29, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- g. Letter from Richard Clement, no address given, submitting suggestions regarding the City Council Rules

RECEIVED AND PLACED ON FILE

- h. Letter from Gary Ganguillet of 4500 S. Martin Luther King, Jr. Blvd. regarding a leaky roof at 4500 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT AND REFERRED TO THE CODE COMPLIANCE OFFICE

MOTION OF EXCUSED ABSENCE

By Council Member Robinson

To excuse Council Member Dunbar from this afternoon's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Hewitt asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to follow up on issues related to the clean-up of alleys in the Northtown neighborhood.

Councilmember Jeffries asked Jerry Ambrose to report to the City Council the status of lane striping at the intersection of Waverly Rd. and Mt. Hope Rd.

Vice President Robinson asked Jerry Ambrose to follow up on a letter submitted by resident Mike Morofsky regarding a run-walk track at Lewton School and the Harry Hill Center pool.

Councilmember Allen asked Jerry Ambrose if the city still trimmed trees in the public right-of-way and he stated that yes the city does still trim trees.

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Chris Singer of 1915 Clifton Ave. spoke about homelessness.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Ed Morris of 121 W. Allegan St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Samara Washington of 2312 Bernard St. spoke about various city matters.

ADJOURNED TIME 2:49 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF SEPTEMBER 14, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenebach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Council Member Allen; Requiring the owner of property located at 1023 E. Grand River Ave. to Make Safe or Demolish their property within sixty days of September 14, 2009
2. From Council Member Allen; Requiring the owner of property located at 1025 E. Grand River Ave. to Make Safe or Demolish their property within sixty days of September 14, 2009
3. From Council Member Wood; Letter from Cristo Rey Church requesting Community Funding for its Hispanic Health Fair
4. From Council Member Wood; Letter from Tri-County Regional Planning Commission submitting a copy of its Resolution of Support for the Tri-County Regional Urban/Rural Service District/Boundary Committee and the Pursuit of the 2009 LIAA Partnerships for Change: Sustainable Communities Grant

THIS ITEM WAS RETURNED TO THE COMMITTEE ON GENERAL SERVICES

Recognition of Non-Profit Status in the City of Lansing to Michigan Library Association located at 1407 Rensen St.

By Council Member Kaltenebach

To recommit this item

Motion Carried

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Recognizing Old Town Commercial Association and Heather Chunko for their efforts in improving Burchard Park

Councilmember Hewitt spoke about people who do the right thing without prompting, such as the Old Town Commercial Association and Heather Chunko who are improving Burchard Park.

Heather Chunko spoke about her visions for the park and thanked the Parks and Recreation Department for their cooperation.

Britney Hoszkiw spoke about the volunteers who helped improve the park.

Dick Schaffer of the Parks and Recreation Department thanked the citizens of Lansing for passing the park millage.

Britney Hoszkiw introduced member of the Old Town Commercial Association present.

2. Legislative Update; State Representative Joan Bauer

State Representative Joan Bauer spoke about various legislative matters and primarily about the state's budget and how it might affect Lansing.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Vice President Robinson thanked those who attended the recent 2nd Saturdays meeting for residents of the 3rd Ward. She thanked the Barbecue on the Boulevard committee for its successful event. She announced the next Churchill Downs, Colonial Village and Lewton-Rich Neighborhood meetings, as well as the Parks and Recreation 5 Year Master Plan meeting.

Councilmember Allen announced the Old Everett and Forest View neighborhood meetings.

Councilmember Hewitt spoke about a local area law enforcement torch run for Special Olympics and a 1st Ward Parks and Recreation 5 Year Master Plan meeting. He announced the upcoming Bluesfest event.

Councilmember Wood announced the Kensington Meadows Neighborhood Watch meeting, a film at Dart Auditorium regarding the renovation of an eastside house and the Community Involvement Award Banquet.

City Clerk Swope stated that the close of registration to vote in the November General Election is three (3) weeks away. He also stated that absentee ballots have not arrived in his office yet but that there is still plenty of time to request an absentee ballot.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the city's 9/11 Remembrance Ceremony and the Evergreen Cemetery monument for fallen war heroes. He also spoke about the recent Barbecue on the Boulevard event, Project Homeless

Connect and Resurrection Church's Ox Roast event. He spoke about several items on tonight's agenda including resolutions setting public hearings for His Healing Hands Urgent Care Center, Inc. and Moebius Technologies, Inc.'s project plans. He announced the upcoming Clean Commute Challenge, Bluesfest and Mobile Food Pantry events.

Dr. Joan Jackson-Johnson, Director of the Human Relations and Community Services Department, spoke about area homeless programs.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Z-4-2009; a request filed by Peckham, Inc. to rezone a 200 foot wide strip of property along the west edge of the site at 2511 N. Martin Luther King, Jr. Blvd. from "A" Residential District to "H" Light Industrial District for the purpose to permit additional parking
2. In consideration of IFT-02-09; Application for Industrial Facilities Tax Exemption Certificate filed by Demmer Corporation for property located at 705 E. Oakland Ave.

Councilmember Jeffries gave a brief overview of the public hearings.

Matt Heppler of 939 N. Hagadorn Rd., East Lansing and Heather Shawa-DeCook of 2665 Walnut Grv., Delta Twp., spoke in support of IFT-02-09.

Bob Gray of 422 Dadson Dr. spoke in support of Z-4-2009 and in opposition to IFT-02-09.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in support of Z-4-2009.

John Pollard of 1718 Blair St. spoke in opposition to IFT-02-09.

Charlene Decker of 2711 Pleasant Grove Rd. stated concerns with Z-4-2009.

Catherine Mercer of 4530 Sycamore St., Holt, spoke in support of Z-4-2009.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Z-4-2009; a request filed by Peckham, Inc. to rezone a 200 foot wide strip of property along the west edge of the site at 2511 N. Martin Luther King, Jr. Blvd. from "A" Residential District to "H" Light Industrial District for the purpose to permit additional parking

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of IFT-02-09; Application for Industrial Facilities Tax Exemption Certificate filed by Demmer Corporation for property located at 705 E. Oakland Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-348

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Pastor Carroll Carter was called to preach on September 8,

1971, ordained in July 1972, and licensed to preach in December 1976 in the AME Church, and in November 1977, was appointed Pastor of Porter Community AME Church in Buchanan, Michigan under the leadership of Bishop Herbert Robinson; and

WHEREAS, in September 1999, Pastor Carroll Carter was called to Pastorate the Prince of Peace Baptist Church, and on April 13, 2001, the Prince of Peace Baptist Church purchased three acres of vacant land at 1400 West Jolly Road and initiated their first Barbeque Fundraiser. In October 2006, the Prince of Peace Baptist Church purchased the property at 3125 West Miller Road; and

WHEREAS, Pastor Carter's kind disposition, friendly ways, thoughtfulness, comforting words, and working for the betterment of the Prince of Peace Baptist Church has led to the saving of many souls; and

WHEREAS, blessed with many talents, Pastor Carter is a writer, a producer, and a minister of music. He plays the guitar, the piano, and the organ. He also organized the Voices of Faith and Carter, Cooney and Wells singing groups; and

WHEREAS, nominated for a Grammy in the early eighties, Pastor Carter recorded the LP "Mighty Power" with the Wendell Rhodes Singers and Marvin Sapp as background. In 2000, Pastor Carter executive produced and recorded the Carter Brothers CD "Never Be the Same"; and

WHEREAS, having performed with several well known artists such as Shirley Caesar, the Mighty Clouds of Joy, and the Hawkins Singers, Pastor Carter was instrumental in bringing Reverend James Cleveland to Lansing to perform; and

WHEREAS, a hard laborer, Pastor Carter reorganized the Prince of Peace Choir and Praise Team, provides the music for the church services every Sunday, and produces a television ministry on Comcast GNS Channel 19 every Saturday at 6:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its appreciation and congratulates Pastor Carroll Carter for his 10 years of ministry at the Prince of Peace Baptist Church in the City of Lansing. We wish you continued success!

By Council Member Wood

Motion Carried

RESOLUTION #2009-349

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION TO SET A PUBLIC HEARING
Moebius Technologies, Inc. – Equipment Purchase

WHEREAS, Moebius Technologies, Inc. has made application with the Lansing Economic Development Corporation (LEDC) for a business financing assistance loan for an equipment purchase proposed to be located at 2127 West Willow Street (the Project); and

WHEREAS, in an effort to foster business development, expansion and renovation of properties within the City of Lansing, the LEDC has initiated a Business Financing Assistance Program and finds the Project to be within the LEDC's mission to facilitate the growth of economic activity within the city of Lansing; and

WHEREAS, the Business Financing Assistance Program will utilize a portion of the LEDC's capital to make funds available for financing the Project; and

WHEREAS, the LEDC Board of Directors, in conformity with Public Act 338 of 1974, as amended (the "Act"), has approved the Project Plan, including a Project Area and Project District Area for the Project; and

WHEREAS, Section 8 of the Act requires that before the LEDC acquires

an interest in property or incurs obligations for a specific project, the corporation shall prepare a project plan, conduct a public hearing on the matter and secure the approval of the City Council; and

WHEREAS, at such hearing, the City Council shall provide an opportunity for all interested persons to be heard on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY COUNCIL AS FOLLOWS:

1. The following Project Area, as designated by the LEDC, is hereby certified as approved:

Legal Description of Project Area

Parcel#: 33-01-01-08-301-011

COM ON S LINE W WILLOW ST 132 FT W OF E LINE OF W 1/2 OF NW 1/4 SEC 8, TH S 297 FT, E 132 FT, S 184 FT TO N'LY LINE LM RR, SW'LY ALONG RR TO PT 289.5 FT W OF E LINE OF W 1/2 OF NW 1/4 SEC 8, N 609.5 FT TO S LINE W WILLOW ST, E 160 FT TO BEG; SEC 8 T4N R2W

Land in the City of Lansing, County of Ingham, Michigan more particular described as:

2127 West Willow Street

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area is hereby established having the same description as the Project Area herein certified as approved.
3. The Lansing City Council hereby advises and confirms to the appointment by the Mayor of Charles Janssen & Timothy Murphy as two additional directors to the Board of Directors of the LEDC solely for this project, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.
4. A public hearing upon the Project Plan for such Project shall be held at 7:00 p.m. on September 28, 2009 in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan. At such hearing, the City Council shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.
5. The Lansing Economic Development Corporation has a proposed loan in the amount up to \$240,000 for this project.
6. The City Clerk shall provide notice of the time and place of the hearing given by publication once in a newspaper of general circulation designated by the municipality, not less than 10 days before the date set for the hearing.
7. The City Clerk shall forward three (3) certified copies of this Resolution to the Lansing Economic Development Corporation.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-350

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLUTION TO SET A PUBLIC HEARING

His Healing Hands Urgent Care Center, Inc. – Building Purchase

WHEREAS, His Healing Hands Urgent Care Center, Inc has made application with the Lansing Economic Development Corporation (LEDC) for a business financing assistance loan for the purchase of property proposed to be located at the 2025 W. Holmes Road (the Project); and

WHEREAS, in an effort to foster business development, expansion and renovation of properties within the city of Lansing, the LEDC has initiated a Business Financing Assistance Program and finds the Project to be within the mission of the Lansing EDC to foster economic growth within the city of Lansing; and

WHEREAS, the Business Financing Assistance Program will utilize a portion of the LEDC's capital to make funds available for financing the Project; and

WHEREAS, the LEDC Board of Directors, in conformity with Public Act 338 of 1974, as amended (the "Act"), has approved the Project Plan, including a Project Area and Project District Area for the Project; and

WHEREAS, Section 8 of the Act requires that before the LEDC acquires an interest in property or incurs obligations for a specific project, the corporation shall prepare a project plan, conduct a public hearing on the matter and secure the approval of the City Council; and

WHEREAS, at such hearing, the City Council shall provide an opportunity for all interested persons to be heard on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY COUNCIL AS FOLLOWS:

1. The following Project Area, as designated by the LEDC, is hereby certified as approved:

The building is divided into 4 different condominiums as well as land with the following parcel numbers:

33-01- 01-32-101-777 (land)
33-01-01-32-101-382
33-01-01-32-101-384
33-01-01-32-101-383
33-01-01-32-101-385

Legal description of the project area:

33-01-01-32-101-777 (land): ALL LANDS WITHIN THE PLATED CONDOMINIUM PROJECT, AND AS AMENDED, REFERRED TO AS THE GENERAL COMMON ELEMENTS; HOLMES ROAD MEDICAL-DENTAL CONDOS INGHAM COUNTY CONDOMINIUM PLAN NO 17

33-01-01-32-101-382: SUITE NO 1 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-383: SUITE NO 2 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-384: SUITE NO 3 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-385: SUITE NO 4 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

Land in the City of Lansing, County of Ingham, Michigan more particular described as:

2025 W. Holmes Road

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project

District Area is hereby established having the same description as the Project Area herein certified as approved.

3. The Lansing City Council hereby advises and confirms to the appointment by the Mayor of Charles Janssen & Timothy Murphy as two additional directors to the Board of Directors of the LEDC solely for this project, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.
4. A public hearing upon the Project Plan for such Project shall be held at 7:00 p.m. on September 28, 2009 in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan. At such hearing, the City Council shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.
5. The Lansing Economic Development Corporation has a proposed loan in the amount of \$50,000 for this project.
6. The City Clerk shall provide notice of the time and place of the hearing given by publication once in a newspaper of general circulation designated by the municipality, not less than 10 days before the date set for the hearing.
7. The City Clerk shall forward three (3) certified copies of this Resolution to the Lansing Economic Development Corporation.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-351

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at 1023 E. Grand River, Parcel # 33-01-01-10-176-371 legally described as: W 66 Ft Lot 6 Highland Park is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on September 13, 2005; and

WHEREAS, a hearing was held by the Hearing Officers on June 25, 2009, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by July 25, 2009; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on August 31, 2009, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance

with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 1023 E. Grand River are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty days from the date of this resolution, September 14, 2009.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Allen

To place an affirmative roll on the resolution

By Council Member Allen

To amend the NOW, THEREFORE, BE IT RESOLVED clause following "September" by striking "10" and inserting "14"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

RESOLUTION #2009-352

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at 1025 E. Grand River, Parcel # 33-01-01-10-176-391 legally described as: Lot 2 Highland Park is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on March 7, 2007; and

WHEREAS, a hearing was held by the Hearing Officers on June 25, 2009, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by July 25, 2009; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise

made safe; and

WHEREAS, the City Council held a public hearing on August 31, 2009, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 1025 E. Grand River are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty days from the date of this resolution, September 14, 2009.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Allen

To place an affirmative roll on the resolution

By Council Member Allen

To amend the NOW, THEREFORE, BE IT RESOLVED clause following "September" by striking "10" and inserting "14"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

RESOLUTION #2009-353

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the federal grant award from the Federal Emergency Management Administration (FEMA) and that the following FY 2010 transfer be approved:

State/Federal Programs
2005 State Homeland Security Grant Program
Mutual Aid Box Alarm System – Michigan Server Project

\$ 20,000.00 from Federal Revenue 273.0.527001.17074

\$ 20,000.00 to Equipment

273.343580.977000.17074

(To provide for grant acquisition and installation of Emergency Services backup servers [Lansing and Troy] for reporting, resource, and dispatching capability in event of a major disaster event affecting multiple jurisdictions across parts of the state. The Lansing Fire Department is the fiduciary agent of the grant.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-354

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Thomas Hay to an At-Large position on the Elected Officers Compensation Commission for a term to expire October 1, 2015.

WHEREAS, the Committee of the Whole met on June 11, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Thomas Hay to an At-Large position on the Elected Officers Compensation Commission for a term to expire October 1, 2015.

By Council Member Robinson

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Brownfield Redevelopment Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Obsolete Property Rehabilitation Act (OPRA) District; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Obsolete Property Rehabilitation Act (OPRA) Certificate; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Project Plan Approval; Business Financing Assistance Program (BFAP) Loan for His Healing Hands Urgent Care Center, Inc. for property located at 2025 W. Holmes Rd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Project Plan Approval; Business Financing Assistance Program (BFAP) Loan for Moebius Technologies, LLC for property located at 2127 W. Willow St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Transfer of Funds; State/Federal Programs, Victims of Crime Act (VOCA) Care Grant Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- vii. Transfer of Funds; State/Federal Programs, Justice Assistance Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- viii. Transfer of Funds; State/Federal Programs, ATF Database Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Energy, Labor & Economic Growth providing notice to Fred N. White Engineering Co. of the necessity of conformance with the Acts and Rules related to the proposed Plat of McCrackin Subdivision

RECEIVED AND PLACED ON FILE

- b. Community Funding Reporting Statement submitted by Fabulous Acres Neighborhood for its Block Party held August 15, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Letter from Barbara Davis of Mid-Michigan Youth Football League requesting funding and submitting copies of its Bylaws and Official Rules and Guidelines

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- d. Requests for Recognition of Non-Profit Status in the City of Lansing submitted by:

- i. Lawrence R. Davis Sarcoidosis Foundation, Inc. located at 918 Cawood St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- ii. Zonta Club of the Michigan Capitol Area Foundation of P.O. Box 10112

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- e. Letter from Natosha Sage-El of 900 Long Blvd. regarding issues related to a rental property at 900 Long Blvd.

REFERRED TO THE PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT

- f. Letter from Cristo Rey Church requesting Community Funding for its Hispanic Health Fair

*SUSPENSION ITEM - REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- g. Letter from Tri-County Regional Planning Commission submitting a copy of its Resolution of Support for the Tri-County Regional Urban/Rural Service District/Boundary Committee and the Pursuit of the 2009 LIAA Partnerships for Change: Sustainable Communities Grant

*SUSPENSION ITEM - REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

REMARKS BY COUNCILMEMBERS

Council Member Wood spoke about the John Dyer Memorial Ride.

Council Member Dunbar spoke about a Clean Commute event, the Barbecue on the Boulevard event, and addressed comments made by a speaker tonight regarding United States armed forces overseas.

Council President Quinney congratulated the Barbecue on the Boulevard committee for their efforts in the successful event. He stated that the City Council chambers' audio problems are being addressed.

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Harold King of 1563 N. High St. spoke about various city matters.

Charles Gates of 430 N. Larch spoke about homeless issues.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Jody Washington of 521 Nantucket Dr. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Elizabeth Manning-Washington of 4012 Gilford Cir. Spoke about homeless issues.

John Pollard of 1718 Blair St. spoke about various city matters.

Lewis Hill of 4125 N. Grand River Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Gary Andrews of 560 Brookland Blvd. spoke about cable television issues.

Sharon Dade of 113 Windjammer Dr., Delta Twp., spoke about homeless issues.

Jessie Coats of 4119 N. Grand River Ave. spoke about homeless issues.

Brian Keith of 1440 Robertson Ave. spoke about homeless issues.

ADJOURNED TIME 10:00 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF SEPTEMBER 21, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by Vice President Robinson.

PRESENT: Council Members Allen, Hewitt, Jeffries, Robinson, Wood

ABSENT: Council Members Dunbar (Arrived at 7:10 p.m.), Quinney and Kaltenbach (Arrived at 7:10 p.m.)

Vice President Robinson asked that during the moment of Meditation that people remember Mattie Taylor, President Quinney's mother-in-law, Vice President Robinson's aunt, and the mother of the Director of Human Resources, Terry Singleton. Mrs. Taylor recently passed away. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice President Robinson

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of August 31 and September 10, 2009

Motion carried

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Wood announced the Lansing Area AIDS Network Walk, the Friends of Lansing's Historic Cemeteries' Fall Walking Tour of Mt. Hope Cemetery and Bethlehem Temple Church's Bread House Choir's competition in the How Sweet the Sound choir competition in Detroit.

Council Member Robinson announced the Wood-Mere and Averill Woods neighborhood meetings.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the recent Mobile Food Pantry and the Bluesfest event. He announced a computer and electronics recycling event.

Council Members Dunbar and Kaltenbach arrived at the meeting at 7:10 p.m.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1912 N. High St.

Council Member Allen gave a brief overview of the Show Cause Hearing.

Timothy Brown of 1912 N. High St. stated that he has pulled the necessary permits to avoid the issuance of orders for Make Safe or Demolish on the property located at 1912 N. High St.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Brownfield Development Plan #8B Amendment; Jackson National Life Insurance Company for property located at 2005 Seager St.
2. In consideration of an Application for New Personal Property Exemption filed by Jackson National Life Insurance Company for property located at 2005 Seager St.

Council Member Jeffries gave a brief overview of the Public Hearings.

Dennis Blue of 1 Corporate Way, spoke in support of the Brownfield Development Plan #8B Amendment and an Application for New Personal Property Exemption filed by Jackson National Life Insurance Company for property located at 2005 Seager St.

Stan Shuck of 818 Cooper Ave. spoke in opposition to tax abatements for Jackson National Life.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to tax abatements for Jackson National Life.

Kathi Raffone of 1221 Muskegon Ave. inquired as to how Traffic Control Orders get approved.

John Pollard of 1718 Blair St. spoke in opposition to Public Improvement IV for Raymond Dr. and Bliesener St., as well as in opposition to tax abatements for Jackson National Life.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1912 N. High St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Brownfield Development Plan #8B Amendment; Jackson National Life Insurance Company for property located at 2005 Seager St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an Application for New Personal Property

Exemption filed by Jackson National Life Insurance Company
for property located at 2005 Seager St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND
PLANNING

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-355

BY COUNCILMEMBER KATHIE DUNBAR
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the Public Improvement III resolution adopted by this council, the City Assessor held a public hearing on August 31, 2009, for Assessment Rolls # A-394 and A-395 for Curb and Gutter, Storm Sewer and Drive Approach construction, and furnished the following information:

PROJECT TITLE: 2009 - RAYMOND DRIVE AND BLIESENER
STREET CONSTRUCTION PS # 01104, B/10/005

PROPERTY BENEFITTED: All lands fronting on Raymond Drive from Grand River Ave to the north end, and Bliesener Street from west of Picardy to Pheasant Avenue, excepting all public streets and alleys and other land deemed not benefited.

AS-BID ESTIMATE OF COST OF IMPROVEMENTS:

Assessment Roll Number A-394		City Contribution	Assessable to Property Owner
<u>Raymond Drive</u>	Curb & Gutter Costs	\$0.00	\$18,310.03
	Storm Sewer Costs	\$0.00	\$42,694.34
	Drive Approach Costs	\$0.00	\$4,157.10
	Other Costs	\$73,428.25	\$0.00
	Total	\$73,428.25	\$65,161.47

Assessment Roll Number A-395		City Contribution	Assessable to Property Owner
<u>Bliesener Street</u>	Curb & Gutter Costs	\$3,191.99	\$19,864.76
	Storm Sewer Costs	\$0.00	45,658.74
	Drive Approach Costs	\$0.00	10,862.10
	Other Costs	\$78,855.29	\$0.00
	Total	\$82,047.28	\$76,385.60

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that special Assessment Rolls # A-394 and A-395 as returned by the City Assessor, be ratified and confirmed.

By Council Member Dunbar

Motion Carried

The City Council proceeded to the order of:

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Recognition of the 9th Annual African American

Parade and Festival

Council Member Wood stated that this year's festival will take place in September and hopefully the weather will be cooler.

City Clerk Swope read the following Resolution:

RESOLUTION #2009-356

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in September 1999, several dedicated individuals from the Lansing area formed the Capital City African American Cultural Association, Inc.; and

WHEREAS, this group was formed for the purpose of providing educational and recreational opportunities for mid-Michigan citizens to experience African American arts, culture, and history; and

WHEREAS, the Capital City African American Cultural Association is a Michigan non-profit corporation that is continuing to grow, promote, and coordinate African American arts and culture in the area; and

WHEREAS, the Association has planned its 10th Annual African American Parade scheduled for Saturday, September 26, 2009 at 11:00 a.m. in downtown Lansing followed by the Heritage Festival. This major extravaganza is expected to draw thousands of spectators to downtown Lansing; and

WHEREAS, in commemoration of the 10th Annual African American Parade and Family Heritage, the Capital City African American Cultural Association will be honoring seven Grand Marshals: James and Martha Bibbs, James Butler III, Jackie Day, Stuart Dunning, Jr., Stuart Dunning III, and Christine Johnson; and

WHEREAS, the celebration will salute and honor the music and message of the late icon Michael J. Jackson and highlight the Michael Joseph Jackson Life and Legacy Talent Competition;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby wishes the Capital City African American Cultural Association tremendous success and good weather for its 10th Annual African American Parade and Festival.

By Council Member Wood

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Council Member Wood

To place an affirmative roll on the substitute resolution

Motion Carried

Council Member Wood spoke about the history of the Annual African American Parade and Festival.

Gloria Pearl-Jones stated that she was honored that the festival was being recognized by the City Council. She invited everyone to attend the festival and parade and she spoke about events related to the festival.

The City Council returned to the order of:

RESOLUTIONS

RESOLUTION #2009-357

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Rudy Claude Barnhill was born in Lansing, Michigan, on September 15, 1946 to Geneva Redfern and Claude Shaltraw. His mother nicknamed him, the youngest of three siblings, "Rooster" because he would stick his chest out like an "old banty rooster"; and

WHEREAS, in 1977, Rudy met his current wife, Betsy, and had three sons, Jerry, Demetius, and Mickey; and

WHEREAS, determined to be a good example for his children, he became deeply involved with his neighborhood and helping area kids. As Fabulous Acres first Youth Activities Director, Rudy organized a basketball program, Cedar Point and Detroit Zoo trips, and raised funding for neighborhood kids to attend camps around Michigan; and

WHEREAS, by 1983, Rudy had developed what would become a life long friendship and working relationship with Officer Bill Fabijancic, Fabulous Acres first Community Police Officer; and

WHEREAS, with the help of Officer Fabijancic and the Lansing Police Department, Rudy and his wife created a bike loan-out program, repairing bikes donated by the city for children who did not have them. Rudy was able to complement the bike loan-out program by obtaining helmets donated for the kids. Their program grew and became a bike give-away program; and

WHEREAS, Rudy's involvement in his neighborhood inspired a group of local kids to raise enough money to help three families with food and gifts for Christmas by selling candy bars and hand made items. Their efforts earned them a JC Penny Award; and

WHEREAS, every winter, Rudy organized the collection of mittens, hats, and scarves for neighborhood kids and helped raise food and money during the Christmas season to provide for families in need; and

WHEREAS, Rudy worked tirelessly to provide all he could for his neighborhood kids and their families, earning him nicknames, such as "dad" or "Uncle Rudy" by the kids he helped along the way. In the late 1990's, Rudy's health turned poor, and he had to retire from work and slow down on his involvement in the neighborhood association; and

WHEREAS, in 2004, one of the neighborhood kids died tragically in a hotel fire in North Carolina, and Rudy stepped up once again to help the family by getting a funeral and burial spot donated; and

WHEREAS, Rudy suffered a massive stroke in early 2006, and although he is now in a wheelchair and unable to speak, he still gets around his neighborhood and receives many visitors. His "kids" are still a big part of his life; they come to the house often to check on him, lovingly referring to him as "Papa Rudy"; and

WHEREAS, Rudy has touched many people throughout the years and made a difference in so many lives;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its deepest appreciation to Rudy Barnhill for his lifetime of dedication to Lansing and its residents. Your work within the community serves as an inspiration for us all.

By Council Member Wood

Motion Carried

RESOLUTION #2009-358

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Capital City African American Cultural Association has requested \$500.00 to defray costs associated with the African American Culutural parade and festival to be held on Saturday, September 26,

2009; and

WHEREAS, the Committee on General Services met on Monday, September 14, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to the Capital City African American Cultural Association to defray costs associated with the African American Cultural parade and festival to be held on Saturday, September 26, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Capital City African American Cultural Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-359

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Black Men Incorporated of Greater Lansing has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Black Men Incorporated of Greater Lansing as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Black Men Incorporated of Greater Lansing of P.O. Box 13182, Lansing, Michigan, 48901.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-360

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Caravan Youth Center has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Caravan Youth Center as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Caravan Youth Center of 1125 Weber Drive Lansing, MI 48912.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-361

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Karl & Carol Glarner sought to eliminate special assessment of \$360.00 for grass and weeds and all associated penalties and interest on the property tax bill of 4404 Ballard Road, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, September 14, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by Karl & Carol Glarner of \$360.00 for grass and weeds placed on the property tax bill of 4404 Ballard Road, Lansing, Michigan and offers a settlement for a reduction of the Administrative Fee of \$250.00;

BE IT FURTHER RESOLVED that \$110.00 shall be the amount of the special assessment imposed if Karl & Carol Glarner accepts the settlement offer.

BE IT FINALLY RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Council Member Kaltenbach

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Council Member Kaltenbach

To place an affirmative roll on the substitute resolution

Motion Carried

RESOLUTION #2009-362

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Scott Galbraith sought to eliminate special assessments of \$367.48 and \$677.00 (\$1044.48) for Board Ups and all associated penalties and interest on the property tax bill of 1019 N. Walnut, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, September 14, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Scott Galbraith of \$1044.48 for special assessments on Board Ups and all associated penalties and interest on the property tax bill of 1019 N. Walnut Street, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-363

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Dunlap Street and Tenny Street;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Dunlap Street at the intersection of Tenny Street;

WHEREAS, based upon the results of this study, the Traffic Board is forwarding an official recommendation concurring with the Transportation and Parking Office to install stop signs on Dunlap Street at the intersection of Tenny Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-049, thereby authorizing the Transportation Engineer to install a stop sign on Dunlap Street at the intersection of Tenny Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-049 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

By Council Member Allen

Motion Carried

RESOLUTION #2009-364

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Strathmore Road and Wakefield Avenue;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Wakefield Avenue at the intersection of Strathmore Road;

WHEREAS, based upon the results of this study, the Traffic Board is forwarding an official recommendation concurring with the Transportation and Parking Office to install stop signs on Wakefield Avenue at the intersection of Strathmore Road;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-050, thereby authorizing the Transportation Engineer to install stop signs on Wakefield Avenue at the intersection of Strathmore Road;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-050 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

By Council Member Allen

Motion Carried

RESOLUTION #2009-365

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Everett Lane and Hodge Avenue;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Everett Lane at the intersection of Hodge Avenue;

WHEREAS, based upon the results of this study, the Traffic Board is forwarding an official recommendation concurring with the Transportation and Parking Office to install stop signs on Everett Lane at the intersection of Hodge Avenue;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-051, thereby authorizing the Transportation Engineer to install stop signs on Everett Lane at the intersection of Hodge Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-051 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

By Council Member Allen

Motion Carried

RESOLUTION #2009-366

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Kensington Road and Wayburn Road;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Kensington Road at the intersection of Wayburn Road;

WHEREAS, based upon the results of this study, the Traffic Board is forwarding an official recommendation concurring with the Transportation and Parking Office to install stop signs on Wayburn Road at the intersection of Kensington Road;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-052, thereby authorizing the Transportation Engineer to install stop signs on Wayburn Road at the intersection of Kensington Road;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-052 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

By Council Member Allen

Motion Carried

RESOLUTION #2009-367

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Lincoln Avenue and Teel Avenue;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Lincoln Avenue at the intersection of Teel Avenue;

WHEREAS, based upon the results of this study, the Traffic Board is forwarding an official recommendation concurring with the Transportation and Parking Office to install stop signs on Lincoln Avenue at the intersection of Teel Avenue;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-053, thereby authorizing the Transportation Engineer to install stop signs on Lincoln Avenue at the intersection of Teel Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-053 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

By Council Member Allen

Motion Carried

RESOLUTION #2009-368

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office conducted a study of the roadway conditions to determine traffic control requirements at the intersection of Dunlap Street and Palmer Street;

WHEREAS, based upon the results of this study, the Transportation and Parking Office recommends the installation of stop signs on Palmer Street at the intersection of Dunlap Street;

WHEREAS, based upon the results of this study, the Traffic Board is forwarding an official recommendation concurring with the Transportation

and Parking Office to install stop signs on Palmer Street at the intersection of Dunlap Street;

WHEREAS, the draft minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 09-054, thereby authorizing the Transportation Engineer to install stop signs on Palmer Street at the intersection of Dunlap Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 09-054 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

By Council Member Allen

Motion Carried

RESOLUTION #2009-369

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved;

\$64,747.00 From CDBG Grant– Cont Serv Development
252.932670.743059.04500

\$10,088.00 to CDBG Grant – Temporary Help
252.932672.707000.04500

30,659.00 to CDBG Grant – Temporary Help
252.932672.707000.04510

\$1,000.00 to CDBG Grant – Miscellaneous Operating
252.932672.741000.04500

\$3,000.00 to CDBG Grant – Miscellaneous Operating
252.932672.741000.04510

\$20,000.00 to CDBG Grant – Cont Serv Development
252.932675.743059.04500

(Explanation: To adjust a portion of total FY 10 CDBG Public Service funding to individual line items. (\$10,088 Recreation Program – Letts; \$30,659 Recreation Program – Kids Camps; \$1,000 Recreation Program – Letts; \$3,000 Recreation Program – Kids Camps; \$20,000 Neighborhood Cleanups.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-370

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved;

\$4,638.00 From HOME Grant - Budgetary Program Income
263.000000.680107.00000

\$4,638.00 to HOME Grant – Down Payment Assistance
263.932663.975005.02018

(Explanation: Year end accounting for annual receipts of program income to be appropriated. Transfer is needed to bring fund into balance at end of year.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-371

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

State/Federal Programs

Emergency Management Performance Grant

\$47,797.33 from Federal Revenue 273.0.528000.17588

\$34,045.56 to Salary 273.343580.702000.17588

\$13,751.77 to Fringe Benefits 273.343580.715000.17588

(To provide for grant reimbursement compensation to the Lansing Fire Department, Emergency Management Division for Fiscal Year 2008-2009. The grant provides for partial salary and fringe reimbursement of the division director.)

By Council Member Wood

Motion Carried

ORDINANCES FOR INTRODUCTION

Council Member Jeffries, Chair of the Committee on Development and Planning introduced:

An Ordinance of the City of Lansing to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by Clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06.

The Ordinance read by its title for a first time and referred to the Committee on Development and Planning.

RESOLUTION #2009-372

RESOLUTION SETTING PUBLIC HEARING
By Council Member Jeffries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, September 28, 2009 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by Clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06.

Interested Persons are invited to attend this Public Hearing

By Council Member Jeffries

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for

those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Jeffries that all items be considered as being read in full and that Vice President Robinson make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:
 - a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. SLU-2-2009; 119 E. Barnes Ave., Planning Board recommendations regarding a request filed by Marcus Brown to utilize the property located at 119 E. Barnes Ave. for a neighborhood resource center

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. IFT-02-09; Issuance of Industrial Facilities Tax Exemption Certificate to Demmer Corporation for property located at 705 E. Oakland Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:
 - a. Letter from Ingham Intermediate School District submitting a copy of its 2009 Tax Levy and Millage Reduction Fraction Computation and its 2009 Winter Tax Levy Summary

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- b. Letter from Waverly Community Schools submitting a copy of its 2009 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- c. Eaton Intermediate School District's 2009 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- d. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Zonta Club of the Michigan Capitol Area Foundation of P.O. Box 10112

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Community Funding Reporting Statement submitted by Wexford Montessori PTA for its New Mt. Calvary Community Celebration held August 29, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Council Member Allen

To excuse President Quinney from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Council Member Dunbar made suggestions regarding changes to the Consent Agenda.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about the mayoral election.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Richard Clement of P.O. Box 26123 spoke about various city matters.

Chris Singer of 1915 Clifton Ave. spoke about various city matters.

ADJOURNED TIME 8:53 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF SEPTEMBER 28, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Hewitt, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Council Members Dunbar (Arrived at 7:04 p.m.) and Robinson (Arrived at 8:18 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Jeffries

To approve the printed Council Proceedings of September 14 and 21, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Council Member Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Council Member Jeffries; Approval of an Application for a Business Financing Assistance Program Loan submitted by Moebius Technologies, LLC for property located at 2127 West Willow St.
2. From Council Member Jeffries; Declaring support for the Urban/Rural Service District/Boundary Committee and its pursuit of research and grant opportunities related to the successful and equitable development of an urban service boundary policy, including the 2009 LIAA Partnerships for Change: Sustainable Communities Grant
3. From Council Member Jeffries; Letter from the Mayor re: Recover Zone Facility Bond; Accident Fund Parking Ramp

Council Member Dunbar arrived at the meeting at 7:04 p.m.

4. From Council Member Kaltenbach; Recognition of Non-Profit Status in the City of Lansing to Michigan Library Association located at 1407 Rensen St.

SPECIAL CEREMONIES

- Special Ceremonies

1. Tribute; Recognition of Bob Cochran and Semone James Howes for their dedicated service on the Board of Water and Light Board of Commissioners

Council Member Wood thanked Bob Cochran and Semone James Howes for their diligent service on the Board of Water and Light Board of Commissioners.

City Clerk Swope read the following resolution:

RESOLUTION #2009-373

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Bob Cochran was born and raised in Cleveland, Ohio and attended Arizona State University where he earned his Bachelor's of Science Degree in Aerospace Engineering. He later attended Arapahoe Community College in Colorado and earned his Associates Degree in music theater and art; and

WHEREAS, he served in the United States Air Force for twenty-two and one half years before he retired; and

WHEREAS, Bob has been a member of the Friends of Turner Dodge for four years, Bob volunteers his time to help with events and programs to help preserve the history of the Turner Dodge House; and

WHEREAS, he is a ten year member of the Downtown Neighborhood Association, serving as President for two years, has served on the Lansing Neighborhood Council for three years, was a member on the City Council Ad Hoc on Housing Committee for one year, and served on the Lansing Board of Water and Light Commissioner for three years; and

WHEREAS, Bob has lived in Lansing for the past sixteen years, where he has proven himself an asset to his community. He has shown his dedication to improving the neighborhood in which he resides as well as to the City of Lansing, throughout his residency;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its deepest appreciation to Bob Cochran for his service and dedication to the City of Lansing and its residents. We wish you continued success in all your future endeavors!

By Council Member Wood

Motion Carried

Council Member Allen spoke about Bob Cochran's decision to leave New York for Lansing.

Council Member Kaltenbach stated that Bob Cochran is a great neighbor.

Council Member Wood spoke about Bob Cochran's housing unit.

Bob Cochran stated that his work for the Board of Water and Light was an awesome experience and stated that the Board of Water and Light is a great asset for the City of Lansing. He thanked the City Council for this honor.

2. Presentation; Mayor's Hometown Hero Award to Richard Miller

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about Richard Miller's background and his dedication to beautifying his neighborhood through gardening.

Richard Miller thanked the Mayor for this honor and also thanked the Lansing-Eaton Neighborhood Association for letting him do his gardening in the neighborhood.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Allen spoke about the Mobile Food Pantry and asked Jerry Ambrose as to why citizens who receive parking refunds have to come downtown to receive them as opposed to other methods.

Council Member Hewitt spoke about the Allen Street Market and announced the 1st Ward 5 Year Parks Master Plan meeting and the next 1st Contact meeting for residents of the 1st Ward.

Council Member Wood thanked the organizers of the Annual African American Parade and Festival for putting on a successful event. She announced the Caesar Chavez Hispanic Heritage Awards and Polish Days events.

Council Member Dunbar congratulated the organizers and participants in Ignite Lansing and she spoke about the Capital City River Run.

City Clerk Swope sent his condolences to the family of Miguel Perez, an election inspector who recently passed away. He stated that the close of registration to vote in the November General Election is October 5, 2009. He also stated that absentee ballots are being mailed out this week and that there is still time to request absentee ballots. He announced that next Monday the National Guard Armory will be open as a secondary office to request, receive, and return absentee ballots.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about all of the recent entertainment events in Lansing. He discussed the river tail improvements and stated that the Aurelius Rd. Bridge has reopened. He announced the upcoming Trick or Treat on the Square event. He spoke about several items on tonight's agenda including the Public Hearings and the development projects for Jackson National Life Insurance Company and Old Town Temple, LLC.

Council Member Dunbar asked Jerry Ambrose to clarify that the city is not building a ramp for the Accident Fund project and he emphasized that the city is not building the ramp.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Application for a Business Financing Assistance Program Loan submitted by Moebius Technologies, LLC for property located at 2127 West Willow St.
2. In consideration of an Application for a Business Financing Assistance Program Loan submitted by His Healing Hands Urgent Care Center, Inc. for property located at 2025 W. Holmes St.

3. In consideration of an Ordinance of The City of Lansing, Michigan, to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06

Council Member Jeffries gave a brief overview of the Public Hearings.

Sagar Sheth of 2127 W. Willow St. spoke in support of an Application for a Business Financing Assistance Program Loan submitted by Moebius Technologies, LLC for property located at 2127 West Willow St.

Christopher Davis of 122 W. Huron St. stated concerns with all three Public Hearings.

Eleanor Kue of 3960 Breckenridge Dr., Okemos, spoke in support of an Application for a Business Financing Assistance Program Loan submitted by His Healing Hands Urgent Care Center, Inc. for property located at 2025 W. Holmes St.

Lynne Martinez of 1017 W. Lapeer St. spoke in support of an Ordinance of The City of Lansing, Michigan, to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in support of all three Public Hearings and in opposition to tax abatements for Jackson National Life Insurance Company.

Stan Shuck of 818 Cooper Ave. spoke in support of an Ordinance of The City of Lansing, Michigan, to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06 and in opposition to tax abatements.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Application for a Business Financing Assistance Program Loan submitted by Moebius Technologies, LLC for property located at 2127 West Willow St.

RECEIVED AND PLACED ON FILE

2. In consideration of an Application for a Business Financing Assistance Program Loan submitted by His Healing Hands Urgent Care Center, Inc. for property located at 2025 W. Holmes St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of an Ordinance of The City of Lansing, Michigan, to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

LEGISLATIVE MATTERS

RESOLUTIONS

City Clerk Swope read the following resolution:

RESOLUTION #2009-374
BY COUNCILMEMBER KATHIE DUNBAR
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mattie Mae Taylor was born January 15, 1928 in Albion, Michigan to John and Arlene Burch. She attended Albion High School and Lansing Business College; and

WHEREAS, on August 1, 1954, she married her loving husband, George "Jesse" Taylor, and gave birth to two daughters, Desiree Quinney and Terri Singleton, and helped raise a step-son, Eric Taylor; and

WHEREAS, Mattie was dedicated to family life and always placed her children's and husband's needs and desires before her own; and

WHEREAS, left to honor her memory and legacy, her cherished husband and children; a dedicated sister, Agnes Wright of Albion, Michigan; grandchildren Dekeea Quinney-Davis, Brandon, Satitra, Dominick, Rodney II, and Taylor; five great grandchildren, Kalani, Kiyan, Jacob, Brandon II, and Malachi; a host of nieces, nephews, cousins, and loving friends, including special friends Jean Gillespie, Mary Churchill, and the classic "Golden Girls"; and

WHEREAS, she developed many passions and talents in life, including collecting antiques, Christmas bears, birds, and teacups; green thumbing, and making her infamous potato salad; and

WHEREAS, Mattie accepted Christ at a young age under Pastor Liston Stone, who served from 1938-1948, and continued to be a devoted member of the Friendship Baptist Church until she passed September 18, 2009. She gave unselfishly of time and energy to the Friendship Baptist Church and Vacation Bible School; and

WHEREAS, Mattie embraced her work as heartily as she did her family obligations, working for the Style Shop, and John Deer, and later as an Administrative Assistant for General Motors, where she retired in 1987;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its deepest condolences to the family and friends of Mattie Mae Taylor. She will be dearly missed.

By Council Member Dunbar

Motion Carried

RESOLUTION #2009-375

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Semone M. James Howes is a lifelong resident of Michigan and has enjoyed living in Lansing for over fifteen years. As a mother to Justin and Samantha James and wife to Robert, she is both devoted and loving; and

WHEREAS, she earned her Bachelor of Business Administration Degree from Eastern Michigan University with dual majors in Finance and Real Estate. She is a State of Michigan licensed real estate Broker and Certified General Appraiser. She often volunteers her real estate and financial expertise to several community and faith based organizations; and

WHEREAS, Semone was appointed as the First Ward Commissioner to the Lansing Board of Water and Light on February 20, 2006 with her service concluding on June 30, 2009; and

WHEREAS, in her three and a half years of service to the Board, Semone has served as the Chair and Vice-Chair for the Board of Commissioners, Chair of the Committee of the Whole, Finance Committee, Nominating Committee, the Board's Executive Committee, and Ad Hoc Committee to revise the Rules of Administrative Procedure, and as an alternate member of the Finance and Human Resource Committees; and

WHEREAS, Semone has lent her financial and business expertise as well as her leadership skills in governing the Lansing Board of Water and Light and encouraging it to reach its goals and remain an exceptional utility

company with a sustainable future for many generations to come; and

WHEREAS, in addition to her working diligently to support the Lansing community, Semone has also worked to cultivate a successful career with the State of Michigan for over fifteen years. In 2005, she was appointed as Executive Director of the State of Michigan Land Bank Fast Track Authority by Governor Jennifer M. Granholm, having successfully developed the Authority since its inception for nearly three years; and

WHEREAS, Semone has worked in several other capacities with the State of Michigan, Departments of Labor and Economic Growth, Transportation, and Treasury and currently serves as an Investment Specialist with the Department of Treasury; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to thank Semone M. James Howes for her service and dedication to the Lansing community and to the Lansing Board of Water and Light. We wish you continued success!

By Council Member Wood

Motion Carried

RESOLUTION #2009-376

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ken Chaney was born on May 25, 1942, to Paul and Louise Chaney, one of eight children. In the fall of 1942, Ken's family moved to Lansing when his dad took a job with Duo-Therm, a war effort company; and

WHEREAS, born and raised Catholic, Ken and his brothers and sisters, attended Resurrection Catholic School. He graduated in 1960, and went to work for the Probst Drug Store, which was located on Logan Avenue, as a delivery driver and also where he met his wife, Lynne; and

WHEREAS, Ken and Lynne were married December 30, 1961, at St. Casmir Church, living and raising their three girls, Barb, Tracy, and Kelly in Lansing, until the summer of 1979, when they moved to Holt, where they currently reside; and

WHEREAS, as a teen, Ken developed an interest in hot rods while working on his friends' cars. He opened his own business on March 19, 1964, Chaney's Bay Service Station, located on the corner of Barnes and Logan. Most of his business came from the local kids that wanted their cars "souped up", working primarily on hot rods and race cars; and

WHEREAS, Ken moved to his current location, 100 E. Mt. Hope, the corner of Mt. Hope and Washington, in September of 1971 and changed the name of his business to Chaney's Car Care Center; and

WHEREAS, Chaney's Car Care Center was also a Gulf/Pro gas station up until the early 1980's and remained a "mom and pop" service garage long after the gas pumps were removed; and

WHEREAS, his wife, Lynne, has worked side by side with Ken since moving to this location and served the second and third generation of families who have been his customers for years; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to thank Ken for forty-eight successful years serving Lansing with Chaney's Car Care Center and congratulates him on his retirement. We wish you continued success in all your future endeavors!

By Council Member Wood

Motion Carried

RESOLUTION #2009-377

BY THE DEVELOPMENT AND PLANNING COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Resolution Approving
Brownfield Plan #8B Amendment
Jackson National Life Insurance Company
Lansing Data Center Redevelopment Project

Yeas: Council Members Allen, Dunbar, Hewitt Jeffries, Quinney, Wood

Nays: Council Member Kaltenbach

Absent: Council Member Robinson

RESOLUTION #2009-378
BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Jackson National Life Insurance Company - Personal Property
Exemption - Lansing Data Center

WHEREAS, the Brownfield Redevelopment Authority (the Authority) of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the Act) has prepared an amended Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #8B – Lansing Data Center Redevelopment Project (the Plan); and

WHEREAS, pursuant to Public Act 328 of 1998 (1998 PA 328), Jackson National Life Insurance Company (Jackson) has made Application for Exemption of New Personal Property (PPE-1-09) for New Personal Property Exemption on the following described property:

33-01-01-04-380-007, N 66 FT OF E 73.26 FT LOT 7 OF TOWNSEND'S SUB ON SEC'S 4, 5, 8 & 9; ALSO LOT 13 TURNER & SMITH'S SUB; ALSO PART SW 1/4 SEC 4 COM NE COR LOT 12 SAID SMITH'S SUB, TH W 403.11 FT, N 176.24 FT, W 255.91 FT, N 596.68 FT TO CON RAIL RR R/W, SE'LY ALONG R/W 819.65 FT TO POINT DUE N OF BEG, S 285.4 FT TO BEG; SEC 4 T4N R2W EX PART OF THE LOT 13, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL OFFICE ON NOVEMBER 24, 1873, PART OF LOT 7, TOWSEND'S SUBDIVISION AS RECORDED WITH THE DEPUTY REGISTER ON MARCH 21, 1866 AND PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 13; THENCE SOUTH 00 DEGREES 12 MINUTES 36 SECONDS EAST 66 00 FEET ALONG THE EAST LINE OF LOT 13 AND THE WEST LINE OF SEAGAR STREET (66 FEET WIDE); THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 131.19 FEET ALONG THE SOUTH LINE OF LOT 13 TO THE SOUTHWEST CORNER OF LOT 13; THENCE NORTH 89 DEGREES 41 MINUTES 08 SECONDS WEST, 73.26 FEET ALONG THE SOUTH LINE OF THE NORTH 66 FEET OF LOT 7; THENCE NORTH, 66.00 FEET ALONG THE WEST LINE OF THE EAST 73.26 FEET OF LOT 7 TO THE NORTH LINE OF LOT 7; THENCE NORTH, 156.26 FEET; THENCE EAST 205.39 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 32 SECONDS WEST, 157.49 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 13 TO THE POINT OF BEGINNING. EX PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 12, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL'S OFFICE ON NOVEMBER 27, 1873; THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 139.85 FEET ALONG THE NORTH LINE OF LOT 12; THENCE NORTH 00 DEGREES 21 MINUTES 32 SECONDS EAST, 385.22 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 12 TO THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 53 DEGREES 20 MINUTES 38 SECONDS EAST, 168.67 FEET ALONG THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 00 DEGREES 25 MINUTES 32 SECONDS EAST, 285.40 FEET TO THE POINT OF BEGINNING, commonly known as 2005 Seager Street, and that is contained within the Lansing Brownfield Redevelopment Zone, established by the Lansing City Council on August 18, 1997 pursuant to Act 381 of 1996, as amended; and

WHEREAS, a public hearing was held by the Lansing City Council, and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan, and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, after its public hearing on September 21, 2009, reviewed testimony and evidence regarding the Plan, and found that:

1. the Project Property was historically used for industrial and warehouse purposes,
2. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
3. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
4. the Project will result in new private investment of approximately \$26,320,465,
5. the Plan provides for the capture of property tax increment revenues,

WHEREAS, the Authority Board of Directors, at its meeting of September 8, 2009, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA Brownfield Plan #8B – Lansing Data Center Redevelopment Project.

By Council Member Jeffries

Motion carried by the following Roll Call vote:

WHEREAS, a public hearing was held September 21, 2009, on the Jackson application for exemption of new personal property, at which, and with advance written notice, the assessor and all representatives of affected taxing units were afforded an opportunity to appear and be heard on the application and exemption request; and

WHEREAS, the City is an eligible distressed community under Public Act 328 by containing NEZ classifications under Neighborhood Enterprise Zone Act of 1992, and as acknowledged in the State Tax Commission bulletin on exemption of new personal property to assessing officers, dated May 10, 1999; and

WHEREAS, Lansing Brownfield Redevelopment Zone area is an eligible district under Public Act 328, as amended, and it is within the jurisdiction of the City of Lansing and, therefore, within an eligible distressed community; and

WHEREAS, Jackson meets the requirements of an eligible business under Public Act 328 by being primarily engaged in office operations;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the application of the Jackson National Life Insurance Company for exemption of new personal property PPE-1-09 pursuant to Public Act 328 of 1998, as amended, for that portion of the Lansing Brownfield Redevelopment Zone, legally described as: N 66 FT OF E 73.26 FT LOT 7 OF TOWNSEND'S SUB ON SEC'S 4, 5, 8 & 9; ALSO LOT 13 TURNER & SMITH'S SUB; ALSO PART SW1/4 SEC 4 COM NE COR LOT 12 SAID SMITH'S SUB, TH W 403.11 FT, N 176.24 FT, W 255.91 FT, N 596.68 FT TO CON RAIL RR R/W, SE'LY ALONG R/W 819.65 FT TO POINT DUE N OF BEG, S 285.4 FT TO BEG; SEC 4 T4N R2W EX PART OF THE LOT 13, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL OFFICE ON NOVEMBER 24, 1873, PART OF LOT 7, TOWNSEND'S SUBDIVISION AS RECORDED WITH THE DEPUTY REGISTER ON MARCH 21, 1866 AND PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT, 13; THENCE SOUTH 00 DEGREES 12 MINUTES 36 SECONDS EAST 66.00 FEET ALONG THE EAST LINE OF LOT 13 AND THE WEST LINE OF SEAGAR STREET (66 FEET WIDE); THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 131.19 FEET ALONG THE SOUTH LINE OF LOT 13 TO THE SOUTHWEST CORNER OF LOT 13; THENCE NORTH 89 DEGREES 41 MINUTES 08 SECONDS WEST, 73.26 FEET ALONG THE SOUTH LINE OF THE NORTH 66 FEET OF LOT 7; THENCE NORTH, 66.00 FEET ALONG THE WEST LINE OF THE EAST 73.26 FEET OF LOT 7 TO THE NORTH LINE OF LOT 7; THENCE NORTH, 156.26 FEET; THENCE EAST 205.39 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 32 SECONDS WEST, 157.49 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 13 TO THE POINT OF BEGINNING. EX PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 12, TURNER AND SMITH SUBDIVISION OF LOT 6 OF TOWNSEND'S SUBDIVISION AS RECORDED IN THE AUDITOR GENERAL'S OFFICE ON NOVEMBER 27, 1873; THENCE NORTH 89 DEGREES 38 MINUTES 28 SECONDS WEST, 139.85 FEET ALONG THE NORTH LINE OF LOT 12; THENCE NORTH 00 DEGREES 21 MINUTES 32 SECONDS EAST, 385.22 FEET PERPENDICULAR TO THE NORTH LINE OF LOT 12 TO THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 53 DEGREES 20 MINUTES 38 SECONDS EAST, 168.67 FEET ALONG THE SOUTHWESTERLY LINE OF THE CONRAIL RAILROAD; THENCE SOUTH 00 DEGREES 25 MINUTES 32 SECONDS EAST, 285.40 FEET TO THE POINT OF BEGINNING.

BE IT FURTHER RESOLVED that the personal property exemption PPE-01-09 under Public Act 328 shall be for the period of fifteen (15) years effective Dec. 31, 2009 and ending Dec 30, 2024.

BE IT FINALLY RESOLVED that the City Clerk shall cause the application for exemption of new personal property PPE-01-09 to be completed and shall cause the completed application and a copy of this Resolution to be filed with the State Tax Commission.

By Council Member Jeffries

Motion carried by the following Roll Call vote:

Yeas: Council Members Allen, Dunbar, Jeffries, Kaltenbach, Quinney, Wood

Nays: Council Member Hewitt

Absent: Council Member Robinson

RESOLUTION #2009-379

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Approving an Industrial Facilities Exemption Certificate

WHEREAS, the Lansing City Council has previously created Lansing Industrial Property Rehabilitation District (IPR 07-91) on September 30, 1991 on the property located at 705 E. Oakland Street, in the City of Lansing, Michigan.

WHEREAS, the City of Lansing received and filed an application from Demmer Corp., requesting an Industrial Facilities Exemption Certificate (IFT 02-09) for real and personal property investments pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, a public hearing was held September 14th, 2009 at 7 p.m., on the Industrial Facilities Exemption Certificate (IFT 02-09) filed by Demmer Corp., at which all owners of real and personal property within (IPR 07-91), other City residents and taxpayers, the assessor and the representatives of the legislative body of each taxing unit that levies ad valorem taxes for the (IPR 07-91) area had the opportunity to appear and be heard; and

WHEREAS, Demmer Corp. has substantially met all of the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council finds and determines that the granting of this Industrial Facilities Exemption Certificate for personal and/or real property under Public Act 198, shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of any taxing unit which levies ad valorem taxes in the City of Lansing.

BE IT FURTHER RESOLVED that the Lansing City Council hereby approves the application of Demmer Corp., for an Industrial Facilities Exemption Certificate (IFT 02-09), for real and personal property investments in the area of (IPR 07-91) legally described as:

COM W LINE BALLARD ST 345.35 FT S OF S LINE PORTER ST, TH S 288.87 FT, N 89DEG 35MIN W 798 FT +/- TO W LINE SEC 10 T4N R2W, N'LY ON SAID LINE 413 FT +/-, N 89DEG 31MIN 30SCDE 450 FT +/-, S PAR'L WITH W LINE BALLARD ST 78.45 FT, S 57DEG 27MIN E 99 FT, S 89DEG 59MIN E TO BEG, EXC THAT PART LYING S OF N'LY R/W LINE RELOCATED OAKLAND AVE JAMES SEYMOURS SUB,

for a period of 12 years, after project completion, provided that this resolution shall be effective upon the execution of a written Industrial Facilities Exemption Certificate Agreement between and the City of Lansing, in the form as filed with the City Clerk.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to execute the afore stated agreement, subject to prior approval thereof as to form by the City Attorney.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-380

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing, hereby, sets a public hearing for Monday, October 12, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use, SLU-2-2009, 119 E. Barnes Avenue, Neighborhood Resource Center in a "C" Residential District.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-381

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
BROWNFIELD PLAN # 45 – Old Town Temple LLC
BROWNFIELD PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 502 E. Grand River located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on 10/12/2009 at 7:00 p.m. on Brownfield Plan # 45 – Old Town Temple LLC Brownfield Plan Project under the Brownfield Redevelopment Financing Act, for property located within the boundary more particularly described by parcel numbers as:

33-01-01-09-427-002

LOTS 5, 6 & W 1/2 LOT 4 BLOCK 15 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan 45 and the scheduled public hearing.

By Council Member Jeffries

Motion Carried

Council Member Robinson arrived at the meeting at 8:18 p.m.

RESOLUTION #2009-382

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Approving Project Plan
Moebius Technologies, LLC – Equipment Purchase

WHEREAS, the Lansing Economic Development Corporation (LEDC) Board of Directors has identified Lansing as a major economic development investment area; and

WHEREAS, the LEDC designated Moebius Technologies, LLC's purchase of new manufacturing equipment as a "Project" with a "Public Purpose" as defined by P.A. 338 of 1974, as amended; and

WHEREAS, in an effort to foster business development, expansion and

renovation of properties within the city of Lansing, the LEDC has initiated a Business Financing Assistance Program (BFAP) and believes this Project has a significant impact on downtown revitalization; and

WHEREAS, Moebius Technologies, LLC has made application with the LEDC for a BFAP business loan for the purchase of new manufacturing equipment at the property address located at 2127 W. Willow Street, Lansing, Michigan and legally described as:

Parcel#: 33-01-01-08-301-011

COM ON S LINE W WILLOW ST 132 FT W OF E LINE OF W 1/2 OF NW 1/4 SEC 8, TH S 297 FT, E 132 FT, S 184 FT TO N'LY LINE LM RR, SW'LY ALONG RR TO PT 289.5 FT W OF E LINE OF W 1/2 OF NW 1/4 SEC 8, N 609.5 FT TO S LINE W WILLOW ST, E 160 FT TO BEG; SEC 8 T4N R2W

WHEREAS, the Project will result in new investment of approximately \$240,000; and

WHEREAS, Section 8 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the Act), requires that before the LEDC acquires an interest in property or incurs obligations for a specific project, the corporation shall prepare a project plan, conduct a public hearing on the matter and secure the recommendations of the local governing body; and

WHEREAS, the LEDC has prepared a Project Plan for the Project, submitted it to Council and placed it on file in the office of the City Clerk in accordance with the Act; and

WHEREAS, at such hearing held on the 28th day of September, 2009, the fullest opportunity was given for expression of opinion, for arguments on the merits, and for introduction of documentary evidence pertinent to the Project Plan, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

WHEREAS, the City Council desires to express its approval of said Project Plan;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the Moebius Technologies, LLC – Equipment Purchase Project Plan submitted by the LEDC after determining that the project plan constitutes a public purpose based on the following considerations:

- a. The Project Plan meets the requirements set forth in Section 8 of the Act.
- b. The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the plan properly.
- c. The proposed method of financing the Project is feasible and the LEDC has the ability to arrange the financing of a not to exceed loan in the amount of \$240,000 for the purchase of new manufacturing equipment.
- d. The Project is reasonable and necessary to carry out the purpose of the Act.

BE IT FURTHER RESOLVED that the LEDC is hereby authorized to proceed with the Project and the financing thereof.

BE IT FINALLY RESOLVED that the City Clerk is hereby requested to provide three certified copies of this resolution to the LEDC.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-383

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Supporting the Tri-County Regional Urban/Rural Service
District/Boundary Committee and the pursuit of the 2009 LIAA
Partnerships for Change:
Sustainable Communities Grant

WHEREAS, the Tri-County Regional Planning Commission adopted the
"Regional Growth: Choices for our Future" report and poster plan; and

WHEREAS, members of the Tri-County Regional Planning Commission
and other local communities have passed resolutions in support of the
Regional Growth Project; and

WHEREAS, the "Regional Growth Choices for Our Future" project, if
fully implemented, will:

- ★ Reduce congested lane miles on regional roads by approximately 50% and save taxpayers between 1.6 and 4.8 billion dollars in road improvement costs which would otherwise be required if current trends are unchecked;
- ★ Save the equivalent of three townships of agricultural land and open space;
- ★ Reduce air pollutants by tens of thousands of kilograms per day, leading to public health benefits and lower long term public health costs; and Improve the region's quality of life and economic competitiveness, including urban redevelopment opportunities, in an increasingly global economy greater than would occur under current public policies; and

WHEREAS, the Urban and Rural Service Districts/Boundaries (URSD/USB) Committee is an implementation activity of the "Regional Growth Choices for Our Future" project, and

WHEREAS, the URSD/USB Committee and its members have demonstrated a multiple year commitment to the study of service boundaries and shared services between jurisdictions; and

WHEREAS, the Committee is pursuing a policy solution to the issue of urban service expansion based on the following elements of regionalism:

- ★ Establishing visions and goals, and setting new policy to achieve those goals
- ★ Looking at process: using visioning and planning to create a fair structure
- ★ District and boundary lines that are flexible
- ★ Collaboration emphasized through voluntary agreement
- ★ There is a binding trust rather than accountability
- ★ Empowerment created by the constructive involvement of many communities; and

WHEREAS, the urbanized core communities and the rural communities that surround it are equal partners in this endeavor, the entire region will benefit from the outcome of a successful urban service boundary strategy in terms of the farmland and natural resource protection, savings in infrastructure costs, and air pollution reductions listed above; and

WHEREAS, the Committee is determined to successfully implement an urban service boundary policy that strengthens relationships between local jurisdictions based on trust and equitable distribution of resources; and

WHEREAS, the most efficient manner to declare an equitable policy is to complete a detailed study and analysis of existing implementation strategies;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council, hereby, declares its support for the Urban/Rural Service District/Boundary Committee and its pursuit of research and grant opportunities related to the successful and equitable development of an urban service boundary policy, including the 2009 LIAA Partnerships for Change: Sustainable Communities Grant.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-384

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michigan Library Association has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Michigan Library Association as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Michigan Library Association of 1407 Rensen Street, Suite 2, Lansing, Michigan 48910.

By Council Member Kaltbach

Motion Carried

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Allen, Dunbar, Hewitt, Jeffries, Kaltbach, Quinney Robinson and Wood

Nays: None

By Council Member Jeffries

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #2551

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-4-2009
Address: 2511 N. ML King Blvd.
Parcel Number: PPN: 33-01-01-05-451-123
Legal Descriptions: COM 50 FT W & 575.5 FT S OF INTN C/L N GRAND RIVER AVE & N-S 1/8 LINE OF SE 1/4 SEC 5, TH W 240 FT, S 300 FT, E 240 FT TO W'LY LINE N ML KING BLVD, S'LY ALONG SAID R/W 210 FT +/- AND W 20 FT AND SW'LY 250 FT +/- TO N BANK OF THE GRAND RIVER, NW'LY ALONG RIVER 500 FT +/- TO W LINE OF E 1/2 OF W 1/2 OF SE 1/4 SEC 5, N 195 FT +/- TO S LINE LMRR/CON RAIL R/W, NE'LY ALONG R/W 629 FT +/- TO SW COR MDSH CLEAR VISION AREA, NE'LY ON S'LY LINE SAID AREA 117.3 FT TO W LINE N ML KING BLVD, S 445.3 FT TO BEG; SEC 5 T4N R2W, CITY OF LANSING, INGHAM CO., MI, from "A" Residential District to "H" Light Industrial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on September 28, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:

- i. Providing notice of the placement on file by the Board of Water and Light of changes to its rate structure to implement Public Utility Regulatory Policies Act standards under the Energy Independence and Security Act of 2007 and a Renewable Energy Net Metering Program and Companion Rate Rider

RECEIVED AND PLACED ON FILE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letter from the Mayor re:

- i. Sole Source Purchase; Police Department request for Visionair, Inc. as the vendor for Geographic Mapping and GPS Vehicle Locator Software

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Recover Zone Facility Bond; Accident Fund Parking Ramp

* SUSPENSION ITEM - REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Letter from Ingham Intermediate School District submitting a copy of Holt Public Schools and Okemos Public Schools' 2009 Tax Levy and Millage Reduction Fraction Computation, 2009 Winter Tax Levy Summary and 2009 Summary of Winter Sinking Fund levy

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- b. Delta Township District Library's 2009 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- c. Letters from Comcast Cable providing notice of:

- i. Expanded Basic Service price increase effective with its November billing statements, and submitting a copy of its Residential Installation Rate increases effective December 1, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- ii. Channel line-up changes effective October 27, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- d. Letter from the Colonial Village Neighborhood Association expressing opposition to a request from Lansing Grocery, Inc. to Transfer Ownership of Escrowed 2009 SDD & SDM Licensed Business from Ho Tran, Inc. and Transfer Location from 3135 S. Pennsylvania Ave. to 1901 S. Martin Luther King, Jr. Blvd.

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Council Member Dunbar stated that the South Side Community Center pool is open for swimming classes.

Council Member Hewitt announced the 1st Ward 5 Year Parks Master Plan meeting.

Vice President Robinson announced at concert at Pattengill Middle School.

City Clerk Swope spoke about the positive changes to the Lansing River Trail.

Council Member Dunbar stated that her husband and daughters ran into City Clerk Swope on the River Trail and that he should participate in next year's Hawk Island Triathlon.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the City Council for passing legislation this evening, especially setting the Public Hearing for SLU-2-2009. He spoke about the Board of Water and Light's Net Metering program. He stated that he received a note from State Representative Bauer stating that there are state budget issues still to be worked through and that revenue sharing with cities has yet to be resolved.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about road construction.

Christopher Davis of 122 W. Huron St. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Marcus Brown of 121 E. Barnes Ave. spoke about Village Summit.

L. W. Morrow of 3030 Paul Ave. spoke about a fuel cell program.

Council President Quinney stated that all Committee of the Whole meetings, starting with this Thursday's meeting, will be televised.

ADJOURNED TIME 8:58 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF OCTOBER 5, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by Vice President Robinson.

PRESENT: Council Members Allen, Hewitt, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Council Members Dunbar (Arrived at 7:08) and Quinney.

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice President Robinson

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Jeffries

To approve the printed Council Proceedings of September 28, 2009

Motion carried

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Congratulating Bruce Holliday on his retirement

Council Member Wood stated that Bruce Holliday was a friend and that he will surely be missed in his job as a police officer.

City Clerk Swope read the following resolution:

RESOLUTION #2009-385

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Bruce Holliday has loyally served the Lansing Police Department for twenty five years, since August 13, 1984; and

WHEREAS, he and his wife, Marcia, are the proud parents of two sons, Bradley and Matthew; and

WHEREAS, Bruce worked his way up through the Lansing Police Department, starting out his illustrious career in the Jail; over the remaining years he worked two years undercover with the Tri-County Metro Narcotics Squad, five years as Field Training Office, six years as a Crime Scene Investigator, and eight years in the South Precinct Detective Bureau; and

WHEREAS, for the past nineteen years, Bruce has served as a non-supervisory Union Representative with the Fraternal Order of Police, Capitol City Lodge #141; and

WHEREAS, Bruce has also served on the Police and Fire Pension Board for fourteen years, ensuring that he and his fellow LPD co-workers were secure in their retirement; and

WHEREAS, he is well known by his co-workers for his great sense of humor and penchant for practical jokes; and

WHEREAS, Bruce has been a loyal and dedicated employee to the Lansing Police Department, earning the reputation as a respected and thorough investigator. Daily he has demonstrated the honor and respect for Lansing and its residents;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate Bruce Holliday on his recent retirement and extend its sincere appreciation for his dedication and service to the City of Lansing Police Department and for helping to keep its citizens safe. We wish you continued success!

By Council Member Wood

Motion Carried

Bruce Holliday asked everyone to please support the Lansing Police Department. He thanked the City Council for this honor.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Hewitt stated that the Allen Street Market is still open at this time of year.

Council member Dunbar arrived at the meeting at 7:08 p.m.

Council Member Hewitt announced the Oktoberfest event and thanked those who attended the recent 1st Contact meeting for residents of the 1st Ward.

Council Member Wood announced candidate forums at the Clifford Park, Eastside Neighborhood Organization and Westside Neighborhood Association meetings.

Council Member Dunbar stated that campaign signs are not allowed in the public right-of-way.

Councilmember Jeffries stated that St. Casimir Church has meals for the needy every 2nd Saturday of the month.

CONSIDERATION OF LATE ITEMS

By Council Member Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Wood; Special Ceremony: Tribute; Recognition of Semone James Howes for her dedicated service on the Board of Water and Light Board of Commissioners

The City Council returned to the order of:

SPECIAL CEREMONIES

• Special Ceremonies

2. Tribute; Recognition of Semone James Howes for her dedicated service on the Board of Water and Light Board of Commissioners

Council Member Wood stated that she was glad that Semone James Howes was feeling better and thanked her for her service to the Board of Water and Light.

City Clerk Swope read the following resolution:

RESOLUTION #2009-375

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Semone M. James Howes is a lifelong resident of Michigan and has enjoyed living in Lansing for over fifteen years. As a mother to Justin and Samantha James and wife to Robert, she is both devoted and loving; and

WHEREAS, she earned her Bachelor of Business Administration Degree from Eastern Michigan University with dual majors in Finance and Real Estate. She is a State of Michigan licensed real estate Broker and Certified General Appraiser. She often volunteers her real estate and financial expertise to several community and faith based organizations; and

WHEREAS, Semone was appointed as the First Ward Commissioner to the Lansing Board of Water and Light on February 20, 2006 with her service concluding on June 30, 2009; and

WHEREAS, in her three and a half years of service to the Board, Semone has served as the Chair and Vice-Chair for the Board of Commissioners, Chair of the Committee of the Whole, Finance Committee, Nominating Committee, the Board's Executive Committee, and Ad Hoc Committee to revise the Rules of Administrative Procedure, and as an alternate member of the Finance and Human Resource Committees; and

WHEREAS, Semone has lent her financial and business expertise as well as her leadership skills in governing the Lansing Board of Water and Light and encouraging it to reach its goals and remain an exceptional utility company with a sustainable future for many generations to come; and

WHEREAS, in addition to her working diligently to support the Lansing community, Semone has also worked to cultivate a successful career with the State of Michigan for over fifteen years. In 2005, she was appointed as Executive Director of the State of Michigan Land Bank Fast Track Authority by Governor Jennifer M. Granholm, having successfully developed the Authority since its inception for nearly three years; and

WHEREAS, Semone has worked in several other capacities with the State of Michigan, Departments of Labor and Economic Growth, Transportation, and Treasury and currently serves as an Investment Specialist with the Department of Treasury; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to thank Semone M. James Howes for her service and dedication to the Lansing community and to the Lansing Board of Water and Light. We wish you continued success!

Council Member Wood spoke about issues related to how she and Semone James Howes met.

Semone James Howes stated that it was truly a pleasure and honor to serve residents of the City of Lansing.

The City Council returned to the order of:

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Allen took a point of personal privilege to address campaign literature which she felt inaccurately portrayed her character.

City Clerk Swope gave his condolences to the families of Alfred Morgan and Janet Hershey, election inspectors who recently passed away. He stated that today is the close of registration to vote in the November General Election. He stated that all requested absentee ballots have been mailed out and that there is still time to request and received absentee ballots.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, congratulated Bruce Holliday on his retirement. He announced the next Mobile Food Pantry and spoke about the Notice of Intent to Issue Bonds for 2010 Wastewater Treatment Plant Improvements.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

John Pollard of 1718 Blair St. spoke in support of tributes to Bob Cochran, Semone James Howes and Bruce Holliday.

Stan Shuck of 818 Cooper Ave. spoke.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-386

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Reverend Lonnie J. Chipp is a native of Highland Park, Michigan and the oldest of six children; and

WHEREAS, upon graduation from Highland Park High School, he enlisted in the United States Navy where he served for twelve years; and

WHEREAS, he has been married to Loretta Chipp for fourteen years and is the father of two adult daughters, Jasmine and Connie; godfather of four, and adopted father and mentor to many young adults; and

WHEREAS, Reverend Chipp accepted Jesus Christ as the Lord and Savior of his life in 1994 and devoted his life to ministry. In 1995, he accepted his calling and was licensed in 1996 and was ordained in 2000; and

WHEREAS, early in his career, Pastor Mills recognized Reverend Chipp's commitment, faithfulness, and leadership ability and under the Holy Spirit's direction elevated Reverend Chipp to serve as the Assistant to the Pastor, a position he has held for the last fourteen years; and

WHEREAS, prior to moving to Lansing, Reverend Chipp served for fifteen years at New Ebenezer Baptist Church, in Detroit, Michigan, under the leadership of Rev. Dr. Wallace R. Mills Jr.; and

WHEREAS, Reverend Chipp moved to Lansing, Michigan in August 2008 and became a member of Watch Care at New Mount Calvary in early 2009;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate Reverend Lonnie Chipp on his recent installation as Reverend of the New Mount Calvary Baptist Church. We wish you continued success!

By Council Member Wood

Motion Carried

RESOLUTION #2009-387

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 825 Clayton, Parcel # 33-04-01-08-452-201 and Legal Description: Lot 112 Oakdale Add to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on June 29, 2004, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on August 27, 2009, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, October 19, 2009 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 825 Clayton to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Allen

Motion Carried

RESOLUTION #2009-388

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 806 N. Cedar, Parcel # 33-01-01-09-477-091 and Legal Description: Lot 17 Assessors Plat No 29 of Block 18 Orig Plat to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on February 6, 2009, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on August 27, 2009, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, October 19, 2009 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 806 N. Cedar to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Allen

Motion Carried

RESOLUTION #2009-389

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 1619 Bailey, Parcel # 33-01-01-22-351-141 and Legal Description: Lot 20 Block 1 Assessors Plat No 28 Rec L 10 P 33 to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on January 11, 2007, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on August 27, 2009, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises

Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, October 19, 2009 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 1619 Bailey to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Allen

Motion Carried

RESOLUTION #2009-390

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 1806 W. Michigan Avenue, Parcel # 33-01-01-17-187-041 and Legal Description: Lot 217 McPhersons Inverness Sub to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on August 7, 2007, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on August 27, 2009, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, November 9, 2009 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 1806 W. Michigan Avenue to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Allen

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Council Member Allen

To place an affirmative roll on the substitute resolution

Motion Carried

RESOLUTION #2009-391

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 812 Heald Place, Parcel # 33-01-01-15-353-041 and Legal Description: Com 48 Ft N or SW Cor Lot 1, Th E 28.9 Ft N 4 Ft, E 15 Ft, N to S Line Heald Place Nw'ly to Pt N of Beg, S to Beg; Block 4 Lansing Improvement Companys Add to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on April 17, 2008, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on August 27, 2009, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, October 26, 2009, at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 812 Heald Place to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Allen

Motion Carried

RESOLUTION #2009-392

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Zonta Club of the Michigan Capitol Area Foundation has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Zonta Club of the Michigan Capitol Area Foundation as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Zonta Club of the Michigan Capitol Area Foundation at P.O. Box 10112 Lansing, Michigan 48901.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-393

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lawrence R. Davis Sarcoidosis Foundation, Inc. has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Lawrence R. Davis Sarcoidosis Foundation as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Barbara J. Davis of the Lawrence R. Davis Sarcoidosis Foundation, Inc., 918 Cawood Lansing, Michigan 48915.

By Council Member Kaltenbach

Motion Carried

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Council Member Jeffries that all items be considered as being read in full and that Vice President Robinson make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:

- i. Providing notice of the placement on file of the Board of Water & Light's consolidated Financial Statements for Fiscal Year 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Sole Source Purchase; Finance Department/Fleet Services Division request for Gregware Equipment Company as the vendor for a used Bombardier SW 48 Sidewalk Plow Vehicle

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Notice of Intent to Issue Bonds for 2010 Wastewater Treatment Plant Improvements

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Appointment of Tom Truscott to the Historic District Commission for an At-Large Term to Expire June 30, 2012

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

Communications and Petitions, and Other City Related Matters:

- a. Letters from the State of Michigan Liquor Control Commission:

- i. Providing 15-Day Notice of an Application from Masaad Investments, LLC requesting to Transfer Ownership of 2009 SDD & SDM Licensed Business from Ghotra Brothers Enterprises, Inc. located at 3912 S. Martin Luther King Jr., Blvd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Providing notice of a request from Fairbanks II, LLC d/b/a Coscarelli's to cancel its escrowed 2008 Specially Designated Merchant (SDM) license only and to cancel the Sunday Sales Permit and the additional bar permit, currently held in conjunction with a Class C license, located at 2408-2420 S Cedar St., with the Class C license to remain in escrow

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Capital Area District Library's 2009 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- c. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Mid-Michigan Mensa of 4350 Oakwood Dr., Okemos

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Community Funding Reporting Statements submitted by:

- i. Native American Arts and Crafts Council for its Riverbank Traditional Pow Wow, Native American Cultural Event held June 19 – 21, 2009

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

ADJOURNED TIME 8:31 P.M.

- ii. Black Child and Family Institute for its Genesee Block Party Community Cares Festival held September 5, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Letter from Richard Clement requesting changes to all Lansing City Ordinances and employee rules related to marijuana

REFERRED TO THE CITY ATTORNEY

CHRIS SWOPE, CITY CLERK

MOTION OF EXCUSED ABSENCE

By Council Member Hewitt

To excuse Council President Quinney from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Council Member Hewitt stated concerns with the Consent Agenda.

Vice President Robinson clarified the process in which the consent agenda was adopted.

Council Member Dunbar spoke in support of the Consent Agenda.

Council Member Wood stated concerns with the Consent Agenda.

Council Member Hewitt addressed comments made by Council Member Dunbar regarding the Consent Agenda.

Council Member Dunbar clarified her statements regarding the Consent Agenda.

Council Member Jeffries stated concerns with the Consent Agenda.

City Clerk Swope clarified the City Council rule relating to the Consent Agenda.

Council member Hewitt addressed the Consent Agenda.

Council Member Allen asked that issues relating to the Consent Agenda be taken up in the Committee of the Whole.

Vice President Robinson announced the next 2nd Saturdays meeting for residents of the 3rd Ward.

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Walter Brown of 1310 Knollwood Ave. spoke about surveillance cameras.

John Pollard of 1718 Blair St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF OCTOBER 12, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by Vice President Robinson.

PRESENT: Council Members Allen, Dunbar, Hewitt, Jeffries, Robinson, Wood

ABSENT: Council Members Kaltenbach and Quinney

Vice President Robinson asked people to remember the life of Elizabeth Bright, a community leader and relative who recently passed away, during the meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice President Robinson.

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Jeffries

To approve the printed Council Proceedings of October 5, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Council Member Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Council Member Jeffries; Tribute; In remembrance of the life of Elizabeth Bright
2. From Council Member Dunbar; Amending Resolution #2009-355; Public Improvement IV: Curb and Gutter, Storm Sewer and Drive Approach for all lands fronting Raymond Dr. from Grand River Ave. to the north end, and Bliesener St. from west of Picardy St. to Pheasant Ave., excepting all public streets and alleys and other lands deemed not benefited

SPECIAL CEREMONIES

Special Ceremonies

1. Tribute; Recognition of the 1st Annual BBQ on the Boulevard Festival

Vice President Robinson stated that the On the Boulevard Business Association did a phenomenal job organizing this event and she stated that such cooperation amongst business owner in that area of the city has been a dream of hers for some time. She spoke about their efforts to beautify the area and she spoke about their upcoming food drive.

City Clerk Swope read the following resolution:

RESOLUTION #2009-394

BY COUNCIL MEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, On the Boulevard is a business association whose goal is to promote, rejuvenate, and beautify the Lansing Martin Luther King, Jr. Boulevard corridor from I-96 to I-496 and to bring about a rebirth of community pride for the area we live, work, and worship; and

WHEREAS, Martin Luther King, Jr. Boulevard is just minutes from downtown and is the gateway to the capitol. It is also the most heavily traveled roadway in South Lansing and the second busiest surface street in the Lansing Metropolitan Area, with some stretches of the boulevard seeing as many as 27,600 vehicles per day; and

WHEREAS, Marta Cerna, Cerna Business Center, is the founder of On the Boulevard Business Association. Her team comes from a diverse core of individuals, including Rick Brown, Athlete's Connection; Kathie Dunbar, South Lansing Community Development Association; Andrea Flitton, Cerna Payroll Center; Tracie Fox, Walgreens; Leticia Gonzales, Tesoros Resale Boutique; Trisha McCuen, Bank of America; Brooke Nobach, McDonald Broadcasting Company; Randy Plaunt, Lansing Board of Water and Light; Ken Szymusiak, Lansing Economic Development Corporation; Noah Urban, On the Boulevard Business Association; and Mark White, L&L Food Centers;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate On the Boulevard on a successful First Annual Barbecue on the Boulevard Festival held on September 12, 2009. We wish you success and look forward to working with you in the future!

By Council Member Robinson

Motion Carried

Vice President Robinson spoke about the beautification efforts of the business association.

Marta Cerna stated that she was humbled by this honor and thanked the Mayor, Lansing Economic Development Corporation, the City Council, sponsors and volunteers for the event.

Noah Urban acknowledged the event's sponsors.

Marta Cerna spoke about the upcoming On the Boulevard Business Association food drive.

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Allen announced the next Mobile Food Pantry.

Council Member Hewitt stated that there are still a few weeks left to enjoy the Allen Street Market.

Council Member Wood asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to check into issues related to a sidewalk project at the Somerset Apartments.

Vice President Robinson thanked those who attended the recent 2nd Saturdays meeting for residents of the 3rd Ward. She asked Jerry Ambrose to check into trees in the city blocking stop signs. She

announced the next Lewton-Rich neighborhood meeting and spoke about the upcoming On the Boulevard Business Association food drive.

City Clerk Swope stated that there is still time to request and receive absentee ballots for the November General election. He said that absentee ballots can be requested up until 4 p.m. the day before the election and ballots received that day must be filled out and handed in at his office locations. He stated that his two locations are at City Hall and at the former National Guard Armory at 2500 S. Washington Ave. He mentioned that there is a complete list of candidates for the November General Election on his website. He gave a shout out to his friend Bryan Crenshaw who is currently hospitalized.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that his office should be contacted with any concerns of citizens at anytime. He spoke about the upcoming Mobile Food Pantry and the Trick or Treat on the Square event. He spoke about several items on tonight's agenda including Authorizing Notice of Intent to Issue bonds for the 2010 Wastewater Treatment Plant Improvements and the Public Hearings on SLU-2-2009 and Brownfield Redevelopment Plan #45.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of SLU-2-2009; 119 E. Barnes Ave., a request filed by Marcus Brown to utilize the property located at 119 E. Barnes Ave. for a neighborhood resource center
2. In consideration of Brownfield Development Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

Council Member Jeffries gave a brief overview of the Public Hearings.

Lynne Martinez of 1017 W. Lapeer St. spoke in support of an Ordinance of the City of Lansing to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06.

Marcus Brown of 119 and 121 E. Barnes Ave. spoke in support of SLU-2-2009.

Aaron Matthews of 5995 Twin Oaks Dr., Laingsburg, spoke in support of Brownfield Development Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

Rick Preuss of 1127 N. Cedar St. spoke in support of Brownfield Development Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

John Pollard of 1718 Blair St. spoke in support of the "Ballentine" Ordinance, stated concerns with SLU-2-2009 and in opposition to Brownfield Development Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to Brownfield Development Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in support of the "Ballentine" Ordinance and SLU-2-2009 and in opposition to Brownfield Development Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-2-2009; 119 E. Barnes Ave., a request filed by Marcus Brown to utilize the property located at 119 E. Barnes Ave. for a neighborhood resource center

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of Brownfield Development Plan #45; Old Town Temple, LLC for property located at 502 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-395

BY COUNCIL MEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Union Missionary Baptist Church was the first African-American Baptist Church established in the City of Lansing, in 1909; and

WHEREAS, it was established as the Hillsdale Street Baptist Church by a small group of worshippers meeting in a living room. The group soon moved its religious services to a small building on the corner of West Main and Division Streets; and

WHEREAS, early in 1913, newly appointed Reverend G.W. Carr worked diligently to increase the Sunday School enrollment and was rewarded by R.E. Olds with \$250 for having the highest increase in Sunday School scholars in the City of Lansing. The gift was used to improve and enlarge the basement of the church; and

WHEREAS, on the first Sunday in August 1937, many of the original congregation members reinstated their memberships and the congregation changed the name of the church to Union Missionary Baptist Church; and

WHEREAS, in the spring of 1985, Reverend Melvin T. Jones was installed as pastor, and under his leadership, the church has grown in membership and financially. He is responsible for reorganizing the ministry infrastructure and leading the congregation to pursue a broader religious, social, and political agenda; and

WHEREAS, Reverend Jones led the congregation to purchase land west of its former location, and on October 11, 1995, the church gained ownership of the land where they built a modern 138,310 square foot worship facility with a sanctuary, chapel, and Family Life Center; and

WHEREAS, over the years, Union Missionary Baptist Church has developed an enviable reputation for service, praying, singing, and preaching the Word of God;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate the Union Missionary Baptist Church on its 100th Anniversary and extends its appreciation to the Church for their

continued dedication to the City of Lansing and its residents. We wish you continued success!

By Council Member Robinson

Motion Carried

RESOLUTION #2009-396

BY COUNCIL MEMBERS A'LYNNE ROBINSON AND DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Elizabeth Ann Bright (Adams) was born June 29, 1927 in Chicago, Illinois to Solomon and Elizabeth Adams. She relocated to Lansing, Michigan bringing her infant niece Diedra Adams (Boles) along with her. She met and married Thurmon Bright and helped to nurture and raise her stepson Alvin Bright; and

WHEREAS, Liz was a member of Union Missionary Baptist Church for over 50 years and served in a variety of capacities. Liz was also a past President of the Lansing Women's Club and a member of the Mother's Board at Union Missionary Baptist Church. She worked for the State of Michigan and retired after 31 years of faithful service; and

WHEREAS, she was a force to be reckoned with when working on political issues and campaigns. Liz's political savvy was known by many and revered by all who knew her; many local politicians consulted her before they ever considered embarking on a political career; and

WHEREAS, She treasured her relationship with her family, and specifically, the special relationship she had with her God daughter Carmen McDaniel, her surrogate son Derrick Quinney, and her self-proclaimed favorite niece Diedra Boles; and

WHEREAS, She took great pride in being a friend to many and took particular joy in her time spent with Melony Brown, Mildred Darden, Dick and Pat Stewart, Frankie Davis, Shirley Ann and George Leverette, Joe and Charlene Barkley, Janie Wright, Josephine Morrison, Ophelia Allen, Gloria Murchison, and Bonnie Degree as well as other lifelong friends; and

WHEREAS, Liz was also known as "Sugar Pie," Momma Liz, and Auntie (pronounced "Untee"). Everyone knew her to be a strong willed, self directed, determined, woman with a heart of gold, fun, and, indisputably, one of the best dressed people in Lansing. She was also known for her fantastic cooking skills, especially her one-of-a kind BBQ ribs; and

WHEREAS, left to cherish her memory are her brothers George "Jessie" Taylor; Marcus "Pete" Taylor; Shelly Adams; stepson, Alvin Bright; grandson, Travis Walton; God daughter, Carmen McDaniel; surrogate son, Derrick Quinney along with their beloved spouses, and a host of nieces and nephews, cousins, church family, and friends;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to express our deepest condolences to the family and friends of Elizabeth Bright. She will be truly missed!

By Council Member Robinson

Motion Carried

RESOLUTION #2009-397

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as defendant in a workers' compensation action, WCO4001368001, involving alleged work related injuries/illnesses; and

WHEREAS, it is proposed that the action be resolved by virtue of entering into a settlement agreement, in which, the City of Lansing would agree to

pay Plaintiff the sum of Thirty Two Thousand Five Hundred Dollars (\$32,500.00) in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries/illnesses whatsoever; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Human Resources Department, the City of Lansing's Fund Administrator, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approve payment of Thirty Two Thousand Five Hundred Dollars (\$32,500.00) pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Council Member Wood

Motion Carried

RESOLUTION #2009-398

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOTICE OF INTENT TO ISSUE BONDS
FOR PUBLIC SERVICE DEPARTMENT
COMBINED SEWER OVERFLOW PROJECT
City of Lansing
Counties of Ingham and Eaton, Michigan

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to construct certain Combined Sewer Overflow Control Improvements; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Part 43 of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451") enables a City to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council of the City intends to authorize the issuance of Limited Tax General Obligation Bonds pursuant to Act 451 in one or more series at an estimated interest rate of 2.50% and in an aggregate amount not to exceed \$20,000,000 for the purpose of financing the combined sewer overflow separation improvements associated with the Lansing Wastewater Treatment Plant Improvement Project, including improvement to the tertiary filter building, the filter treatment system and secondary treatment clarifiers as further described in plans on file with the City, (collectively, the "Improvements") related to the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit, which Bonds will be payable from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit; and

WHEREAS, Notice of Intent to Issue Bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended; and

WHEREAS, the City must appoint bond counsel for the issuance of the Bonds; and

WHEREAS, prior to issuance of each series of Bonds the City must (i) receive prior approval of the Bonds from the Michigan Department of

Treasury (ii) be granted qualified status as provided in Act 34, Public Acts of Michigan, 2001, as amended;

Chris Swope,
City Clerk

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Clerk is hereby authorized and directed to cause a Notice of Intent to Issue Bonds to be published, on or before _____ in the Lansing State Journal, or other newspaper of general circulation in the City, as a display advertisement at least ¼ page in size. Said Notice of Intent so published shall be in substantially the following form:

OFFICIAL NOTICE TO ELECTORS AND
TAXPAYERS
OF THE CITY OF LANSING
OF INTENT TO ISSUE BONDS SECURED BY
THE TAXING
POWER OF THE CITY AND RIGHT OF
REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, intends to authorize the issuance of Limited Tax General Obligations Bonds of the City in one or more series in an aggregate principal amount not to exceed \$20,000,000 for the purpose of financing the Lansing Wastewater Treatment Plant Improvement Project, including improvement to the tertiary filter building, the filter treatment system and secondary treatment clarifiers as further described in plans on file with the City (the "Improvements"), related to the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit. Said Bonds shall mature in not to exceed thirty (30) annual installments with interest payable on the unpaid balance at an estimated interest rate of 2.50%, to be conclusively determined at the time of the sale of the Bonds.

SOURCE OF PAYMENT OF BONDS

The principal and interest of the Bonds shall be payable primarily from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. Ad valorem taxes may not be levied in excess of the City's charter tax rate limitation for this purpose.

RIGHT OF REFERENDUM

The Bonds will be issued without vote of the electors unless a PETITION requesting an election of the question of issuing the Bonds signed by not less than TEN PERCENT (10%) OF THE REGISTERED ELECTORS in the City is filed with the City Council by deposit with the City Clerk WITHIN FORTY-FIVE (45) DAYS after publication of this Notice. If such a petition is filed, the Bonds cannot be issued without an approving vote by a majority of electors voting on the question.

This Notice is given pursuant to the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended. Further information concerning the matters set out in this Notice may be secured from the City Clerk's Office.

1. The City Council hereby determines that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their right of referendum with respect to the Bonds.

2. In order to comply with Federal Treasury Regulation § 1.150-2, the City Council states that the City intends to reimburse expenditures for combined sewer overflow control Improvements with proceeds of the Bonds, including the Bonds described in this Resolution, by making the following declaration:

(A) The City reasonably expects to reimburse itself for the expenditures made to acquire the Improvements with proceeds of debt to be incurred by the City.

(B) The maximum principal amount of debt expected to be issued for reimbursement purposes including bond issuance costs is \$20,000,000, which may be issued in one or more series.

(C) A reimbursement allocation of the expenditures for the Improvements with the proceeds of the borrowing described here will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date of Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(D) This Resolution is adopted to indicate the intent of the City only, and does not bind the City to acquire and construct any Improvements or to issue any obligations of the City.

3. Either the Finance Director or the Public Service Director are authorized to request qualified status from the Michigan Department of Treasury and to pay the related fee, or to request the Michigan Department of Treasury to issue and order granting prior approval to issue Bonds, and to request any related waivers.

4. Dykema Gossett PLLC, of Lansing, Michigan, is appointed as Bond Counsel with respect to the Bonds described in this Resolution.

5. All Resolutions and parts of Resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: _____

NAYS: _____

By Council Member Wood

Motion Carried

THIS ITEM WAS PULLED FROM THE AGENDA

Appropriation of Community Funding for a Golf Fundraiser for Police
Officer Colin Kacmarsky

RESOLUTION #2009-399

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mid Michigan Mensa has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Mid Michigan Mensa as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Mid Michigan Mensa, c/o John Garrison of 4350 Oakwood, Okemos, Michigan.

By Council Member Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing to Amend Chapter 888, Section 31, of the Lansing Codified Ordinances by clarifying the date of commencement and extending the duration for a total of 20 years, and to repeal Section 06

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members

Nays: Council Members

By Council Member Jeffries

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1146

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 888, SECTION 31, OF THE LANSING CODIFIED ORDINANCES BY CLARIFYING THE DATE OF COMMENCEMENT AND EXTENDING THE DURATION FOR A TOTAL OF 20 YEARS, AND TO REPEAL SECTION 06.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 888, Section 31, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

888.31. Rental properties located at 821-825 North Pennsylvania (BALLENTINE APARTMENTS).

(a) *Purpose.*

It is acknowledged that it is a proper public purpose of the State and its political subdivisions to provide housing for its residents of low and moderate income and to encourage the development of such housing by providing for a service charge

in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966, being Public Act 346 of 1966, as amended [MCL 125.1401, et seq.]. The City is authorized by such Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under such Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low and moderate income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose.

(b) *Definitions.*

- (1) *Act* means the State Housing Development Authority Act, being Public Act 346 of 1966, as amended.
- (2) *Annual Shelter Rents* means the total collections during an agreed annual period from all persons of low or moderate income, occupying the Housing Development representing rents for occupancy, which rental amounts shall be exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.
- (3) *Authority* means the Michigan State Housing Development Authority.
- (4) *Housing Development* or *Development* means a development which contains a significant element of housing for persons of low and moderate income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the authority may determine will improve the quality of the development as it relates to housing for persons of low and moderate income. For the purpose of this section, the name of this Development is Ballentine Apartments (FORMERLY KNOWN AS STEPPING STONES), and consists of 18 units of rental housing located within Lansing at 821--825 North Pennsylvania, and legally described as the East 19 feet of lot 3 except the North 106 feet, also the South 27.5 feet of the West 106 feet lot 5, also lots 6 & 7 Wileys Subdivision, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof.
- (5) *HUD* means the Department of Housing and Urban Development of the United States Government.
- (6) *Low Income Housing Tax Credit Program* means the program established by Section 42 of the United States Internal Revenue Code.
- (7) *Low or Moderate Income* means low or moderate income eligibility under the Authority Act or Rules.
- (8) *Mortgage Loan* means a loan to be made by a private entity and insured by HUD, or a loan from the Authority for the financing of the purchase and rehabilitation of the Housing Development.
- (9) *Sponsor* means a person or other entity with a Housing Development which is financed or assisted pursuant to the Act. For purposes of this section, the sponsor of the Ballentine Apartments Housing Development is Ballentine Limited Dividend Housing Association Limited Partnership.
- (10) *Utilities* means fuel, water, sanitary sewer and/or electrical service, which is paid for by the Housing Development.

(c) *Establishment of Annual Service Charge.*

- (1) The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Ballentine Apartments Housing Development in reliance upon the enactment and continuing effect

of this section and upon the qualification of the 18 units of housing in the Housing Development for exemption from all property taxes as established in this section.

- (2) Subject to the conditions and requirements of this section and the Act, the 18 units in the Housing Development for persons of low and moderate income identified as Ballentine Apartments and the property on which they are constructed shall be exempt from all property taxes for not more than TWENTY (20) ~~(15)~~ years, commencing ON DECEMBER 31, 2009 ~~with and including tax year 2010~~.
- (3) In lieu of all said property taxes on the 18 units in the Housing Development, the Sponsor shall pay, and the City will accept, an annual service charge for public services, in the sum equal to, four percent (4%) of the difference between the annual shelter rents actually collected and utilities, EVERY YEAR THAT IT IS TAX EXEMPT.
- (4) The exemption provided under this section shall commence when the Sponsor complies with Section 15A(1) of 1966 PA 346, as amended, codified as MCL 125.415A(1), which provides: The owner of a Housing Project eligible for the exemption shall file with the local Assessing Officer (the City Assessor) a notification of the exemption, which shall be in an affidavit form as provided by the authority. The completed affidavit form first shall be submitted to the Authority for certification by the Authority that the Project is eligible for the exemption. The owner then shall file the certified notification of the exemption with the local Assessing Officer before November 1 of the year preceding the tax year in which the exemption is to begin.
- (5) In addition to the certification required pursuant to subsection (c)(4), the Sponsor shall provide for the Housing Development annually in writing to the City Assessor for the preceding year in which the property tax exemption was in effect:
 - A. The annual audited accounting report for the payment in lieu of taxes; and
 - B. A certified statement identifying all the units rented to persons of low or moderate income; and
 - C. If requested by the City, proof that the Housing Development units have not increased, decreased, or been altered in any form, unless the City has otherwise amended the provisions of this section.

(d) *Limitation on the payment of the annual service charge.* Notwithstanding subsection (c), the service charge to be paid each year in lieu of taxes for the part of the Housing Development Project that is tax exempt and occupied by other than low or moderate income persons shall be equal to the full amount of the taxes that would otherwise be due and payable on that portion of the Housing Development Project if the Project were not tax exempt.

(e) *Payment of Annual Service Charge.* The service charge in lieu of taxes, as established under this section, shall be payable in the same manner as general property taxes are payable to the City, except that the annual payment shall be made on or before July 1 of the year following the year upon which such charge is calculated.

(f) *Contractual Effect.* Notwithstanding the provisions of Section 15A(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third-party beneficiary under the contract, to provide tax exemption and accept payment in lieu of taxes as previously described, is effectuated by the enactment of this section.

(g) *Duration.* This section shall remain in effect and shall not terminate for TWENTY (20) ~~45~~ years, commencing ON DECEMBER 31, 2009 ~~with and including tax year 2010~~, provided that the Sponsor ~~complies with the requirements of the Act~~ and this section, and further provided that the Housing Development continues to be rented to low or moderate income persons at rents determined under the Low Income Housing Tax Credit Program, as the same maybe further amended or superseded, or there is an Authority-aided or Federally-aided mortgage on the Housing Development as provided in the Act, or the Authority or HUD has an interest in the property; but in no event beyond December 30, 2029 ~~31, 2024~~. If the sponsor changes the scope or purpose of the 18 units of housing within the Development without the consent of the City of Lansing, by and through its representatives, and in accordance with the requirements of the Lansing City Charter, this section shall automatically expire and be of no effect.

Section 2. Lansing Codified Ordinance 888.06 is hereby repealed.

Section 3. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 4. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

The City Council returned to the order of:

RESOLUTIONS

RESOLUTION #2009-400

BY THE COUNCIL MEMBER KATHIE DUNBAR
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to Resolution 2009-355 (the "Resolution"), the Lansing City Council ratified and confirmed Assessment Rolls "A-394 and A-395 through the Public Improvement IV process for construction on Raymond Drive and Bliesener Street; and

WHEREAS, following the resolution's adoption, it became clear that the special assessments ratified and confirmed therein would not need to be levied immediately because work on Raymond Drive and Bliesener Street would not commence until the spring of 2010; and

WHEREAS, the Lansing City Council wishes to extend the time for payment of the special assessments; and

WHEREAS, the Resolution should be amended and clarified to this effect;

NOW, THEREFORE, BE IT RESOLVED, that Resolution 2009-355 be, and hereby is, amended to read in its entirety, with the amendatory language indicated in all CAPS:

"WHEREAS, pursuant to the Public Improvement III resolution adopted by this council, the City Assessor held a public hearing on August 31, 2009, for Assessment Rolls # A-394 and A-395 for Curb and Gutter, Storm Sewer and Drive Approach construction, and furnished the following information:

PROJECT TITLE: 2009 - RAYMOND DRIVE AND BLIESENER STREET CONSTRUCTION PS # 01104.

B/10/005

PROPERTY BENEFITTED: All lands fronting on Raymond Drive from Grand River Ave to the north end, and Bliesener Street from west of Picardy to Pheasant Avenue, excepting all public streets and alleys and other land deemed not benefited.

ENGINEER'S ESTIMATE, COST OF IMPROVEMENTS:

Assessment Roll Number A-394		City Contribution	Assessable to Property Owner
<u>Raymond Drive</u>	Curb & Gutter Costs	\$0.00	\$18,310.03
	Storm Sewer Costs	\$0.00	\$42,694.34
	Drive Approach Costs	\$0.00	\$4,157.10
	Other Costs	\$73,428.25	\$0.00
	Total	\$73,428.25	\$65,161.47

Assessment Roll Number A-395		City Contribution	Assessable to Property Owner
<u>Bliesener Street</u>	Curb & Gutter Costs	\$3,191.99	\$19,864.76
	Storm Sewer Costs	\$0.00	45,658.74
	Drive Approach Costs	\$0.00	10,862.10
	Other Costs	\$78,855.29	\$0.00
	Total	\$82,047.28	\$76,385.60

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that special Assessment Rolls # A-394 and A-395 as returned by the City Assessor, be ratified and confirmed.

BE IT FURTHER RESOLVED THAT PURSUANT TO CHAPTER 1026.07 'SPECIAL ASSESSMENTS: INSTALLMENT PAYMENTS' OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN, THE COUNCIL FINDS THAT A SPECIAL NEED EXISTS BECAUSE THE WORK WILL NOT COMMENCE UNTIL THE SPRING OF 2010, THAT AN EXTENSION OF TIME FOR PAYMENT OF THE SPECIAL ASSESSMENT BE GRANTED UNTIL MAY 15, 2010 AND THAT THE CITY ASSESSOR BE DIRECTED TO DEFER MAILING OF THE ASSESSMENT BILLS UNTIL FEBRUARY 15, 2010."

By Council Member Dunbar

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Allen that all items be considered as being read in full

and that Vice President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Transfer of Funds; State/Federal Programs, Sobriety Court Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Transfer of Funds; State/Federal Programs, Sobriety Court/Michigan Drug Court Grant Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Transfer of Funds; State/Federal Programs, COPS-Project Safe Neighborhoods 2009 Guns/Drugs/Gangs Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing 15-Day Notice of an Application from Satnam of Lansing, LLC to Transfer Ownership of 2009 SDM Licensed Business from Luckyz Market, Inc. located at 1900 E Kalamazoo St.

RECEIVED AND PLACED ON FILE

- b. Letter from John Pollard, President of Fair Share Coalition of Lansing submitting a copy of Mayor Bernero's 527 Account since 2006

RECEIVED AND PLACED ON FILE

- c. Letter from D.A. Hawks of 231 Clifford St. expressing opposition to a liquor store in the 1800 block of E. Michigan Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Council Member Dunbar

To excuse Council Members Kaltenbach and Quinney from tonight's proceedings

Motion Carried

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Cherryl Valleau of 226 S. 8th St. spoke about various city matters.

John Boise of 4921 Tenny St. spoke about his candidacy for mayor of Lansing.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Kyle Frost of 617 Ridgewood Ave. spoke about the City of Lansing's overnight parking ordinance.

James Tate of 3820 Starlight Ln. spoke about traffic calming.

Melissa Quon Huber of 3340 Gingersnap Ln. spoke about traffic calming.

Jason Wilkes of 3218 Continental Dr. spoke about traffic calming.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Richard Clement of P.O. Box 26123 spoke about various city matters.

ADJOURNED TIME 9:15 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF OCTOBER 19, 2009**



317

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Dunbar, Hewitt (Left at 8:03 p.m.), Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice President Robinson

To approve the printed Council Proceedings of October 12, 2009 and Corrected Council Proceedings of September 18, 2006

Motion carried

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Allen announced the next Old Everett neighborhood meeting and gave a shot out to the residents of the Southbrook Villas.

Council Member Hewitt stated that the Allen Street Market is still open this year. He asked City Attorney Smith the status of changes to the Ethics Ordinance and he stated that it has been in the Committee of the Whole for quite some time.

Vice President Robinson welcomed President Quinney back to the City Council. She spoke about a workshop at Sparrow Regional Cancer Center and a special anniversary service for Union Missionary Baptist Church. She announced candidate forums at the next Churchill Downs and Colonial Village neighborhood meetings. She also announced the next Averill Woods neighborhood meeting.

Council Member Dunbar announced the South Lansing Business Association candidate forum, the Fenner Nature Center Candyland Trail and the Boo at the Zoo events. She also announced a community forum master planning meeting.

Council Member Wood announced the Grace Lutheran Church candidate forum.

City Clerk Swope gave his condolences to the family of Doris Carlice, an election inspector and community activist who recently passed away. He stated that there is still time to request and receive absentee ballots for the November General Election. He also stated that his 2500 S. Washington Ave. location will be open on Saturday, October 31, 2009 from 9:00 a.m. to 2:00 p.m. to request and receive absentee ballots. He announced the public test of the voting equipment.

COMMUNITY EVENT ANNOUNCEMENTS

Darnell E. Oldham, Sr. of 3815 Berwick Dr. announced the grand opening of the South Side Community Center.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the Trick or Treat on the Square event. He spoke about the recent Mobile Food Pantry and thanked the volunteers and sponsors of the event. He stated that the majority of the construction work on Mt. Hope Ave. should be completed next week, at that work on Allegan St. should be completed later this week. He spoke about repairs to city parks and the city's preliminary Fiscal Year 2009 Audit.

Council Member Kaltenbach stated that neighbors near the Kirby Ct. Park appreciate all of the city's efforts to improve the park.

SHOW CAUSE HEARINGS

• Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 825 Clayton St.
2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 806 N. Cedar St.
3. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1619 Bailey St.

There were no speakers for these Show Cause Hearings.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 825 Clayton St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 806 N. Cedar St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1619 Bailey St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

There were no speakers for Legislative Matters.

LEGISLATIVE MATTERS

RESOLUTIONS

City Clerk Swope read the following Resolution:

RESOLUTION #2009-401

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Jackie Wade Day was born the third oldest child of six with four brothers and one sister in Memphis, Tennessee; and

WHEREAS, she is a loving mother of three adult children, Carolyn, Fred, and Cheryl, and is blessed to have five wonderful grandchildren; and

WHEREAS, Ms. Day moved to Lansing in 1965, where she and her family began building a full and joyful life; and

WHEREAS, in 1980, Jackie and her good friend Christine Johnson, who is also mother to "Magic" Johnson, founded D&J Promotions & Management, initially to answer Magic's fan mail; and

WHEREAS, D&J Promotions & Management grew into a very successful venture and twenty nine years later, Jackie's talents as planner, organizer, coordinator, gospel promoter, producer, and manager are still going strong; and

WHEREAS, Jackie has been instrumental in coordinating numerous gospel concerts across mid-Michigan as well as to the Lansing and East Lansing area, including artists like Donnie McClurkin, Yolanda Adams, Vanessa Bell Armstrong, and Brian Hurst from Tyler Perry's "Madea Goes to Jail"; and

WHEREAS, Jackie was presented with the Milan NAACP Distinguished Service Award from the inmates at Milan Federal Prison in 1993 for her outreach efforts;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate Jackie Wade Day on her many accomplishments and extends its deepest appreciation to her outreach efforts. We wish you continued success in all your future endeavors!

By Council Member Wood

Motion Carried

RESOLUTION #2009-402

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2009 transfers be approved:

State/Federal Programs
VOCA-CARE Grant Project

\$128,803.00 from Estimated Federal Revenue 273.0.501210.17727
\$115,576.00 to CARE Wages – Temp Help 273.343201.707000.17727
\$8,730.00 to CARE Fringe Benefits 273.343201.715000.17727
\$4,497.00 to CARE Miscellaneous Operating 273.343201.741000.17727

(To provide for an annual renewable state grant to the Lansing Police Department for the Victims of Crime Act CARE domestic abuse counseling program. Trained volunteer response teams provide counseling and other assistance to victims in the greater Lansing area. Volunteer time is valued as soft match for the federal grant. The grant project will operate from October 1, 2009 to September 30, 2010.)

By Council Member Wood

Motion Carried

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk submitting:

- i. A request by Cadillac Club, Inc. to Transfer Ownership of 2008 Class C Licensed Business with Dance-Entertainment Permit, located at 1115 S. Washington Ave. from David W. Sheets

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. Transfer of Funds; Transfers Out, State/Federal Programs – Police

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Transfer of Funds; Bullet Proof Vest Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Issuing Grant Funds to Mount Hope Cemetery Basin Project from Fratcher Foundation Trust Funds

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- Communications and Petitions, and Other City Related Matters:

- a. Contract between the State of Michigan Department of Transportation and the City of Lansing to allow for Hot mix asphalt paving work along Allegan St. (eastbound Capitol Loop) from Capitol Ave. to Grand Ave. and along eastbound Highway M-43/I-96BL (Saginaw St.) from Pennsylvania Ave. to Cleveland St.; together with necessary related work, located within the corporate limits of the City of Lansing

RECEIVED AND PLACED ON FILE

- b. Letter from Comcast Cable providing notice of channel lineup changes effective November 10, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- c. Letter from John Pollard, President of Fair Share Coalition of Lansing submitting a copy of a letter alleging Charter violations by the Lansing City Council

REFERRED TO THE CITY ATTORNEY

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Robert Ovalle of 2023 Park Ln., Delta Twp., spoke about the voting process.

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

Michael Morofsky of 1300 Woodbine Ave. spoke about an alleged Lansing Police Department conflict of interest.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

John Pollard of 1718 Blair St. spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Jason Willes of 3218 Continental Dr. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Council Member Hewitt left the meeting at 8:03 p.m.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

ADJOURNED TIME 8:13 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF OCTOBER 26, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Council Members Dunbar and Hewitt (Arrived at 7:03 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member

To approve the printed Council Proceedings of October 19, 2009

Motion carried

Council Member Hewitt arrived at the meeting at 7:03 p.m.

SPECIAL CEREMONIES

• Special Ceremonies

1. Mayoral Presentation; Ramadan Dinner Fundraiser Proceeds to Greater Lansing and Mid-Michigan Food Banks

Mayor Bernero spoke about the dinner being quite successful. He thanked Joan Jackson Johnson, the Human Relations and Community Services Department, and everyone who made the dinner a success.

Joan Jackson Johnson, Director of the Human Relations and Community Services Department, spoke about the proceeds from the dinner being divided evenly between the Greater Lansing Food Bank and the Mid-Michigan Food Bank. She stated that both organizations accept non-perishable food donations as well as cash donations.

Terry Link of the Greater Lansing Food Bank stated that Joan Jackson Johnson does a great job for the homeless and spoke about her support of his organization.

Mayor Bernero spoke about the various ways citizens can help the homeless, such as volunteering.

2. Mayoral Presentation; Recognition of South Side Citizen Action Team

Mayor Bernero spoke about the opening of the South Side Community Center and thanked all of those who made it happen. He also passed out certificates to those present who helped make the center a reality.

Council Member Allen stated that her 16 year dream to have a South Side Community Center has finally come true and thanked Mayor Bernero for making it happen.

Mayor Bernero noted the efforts of Frank Lain who was instrumental in the opening of the center.

Council President Quinney stated that he was in the first graduating class of Harry Hill High School, which is now the South Side Community Center. He thanked the Mayor's administration for opening the center.

Murdock Jemerson, Director of the Parks and Recreation Department, stated that the South Side Community Center will house the first City owned indoor pool and encouraged attendees of the opening day festivities to bring their swim attire.

Martin Dungey was thrilled to represent his wife Monica, who has passed away, and recognized all of her hard work.

Tina Houghton thanked everyone involved in the opening of the center.

Alfreda Schmidt read a statement about the history and the future services of the center.

Gordon Wilson thanked the Temple of David church for the use of their meetingspace. He thanked Frank S. Curtis X, Darnell E. Oldham, Sr. and Mayor Bernero for all of their efforts.

Ed Benson spoke about the process that brought about the creation of the center.

Mayor Bernero thanked all in attendance and invited everyone to the opening of the center.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Hewitt stated that this is the last week for the Allen Street Market. He asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to address an unrepaired sidewalk in the 2700 block of E. Michigan Ave. that he stated he has asked about for the past six months. He also asked him about Fairview Ave. in the Groesbeck Area not being repaired.

Jerry Ambrose stated that he will follow up on both issues.

Council Member Allen asked Jerry Ambrose why requests from the Internal Auditor were not addressed and he stated that he informed her in the Committee of the Whole that those issues are being addressed.

Council Member Wood spoke about her visit at Christ United Methodist Church today and thanked the members for all of their work.

Vice President Robinson spoke about the On the Boulevard Association's Canned Food Drive and she thanked those in the 3rd Ward who worked on opening the South Side Community Center.

Council Member Allen thanked Lori and Gary Patterson for their great home Halloween decorations.

Council President Quinney spoke about the reasons that recent Committee of the Whole meetings were canceled and he spoke about the process for the Budget Policies and Priorities. He congratulated the Parks and Recreation Department on Mt. Hope Cemetery being recognized with a historic designation. He announced the Pleasant View Magnet School Breast Cancer Awareness event.

City Clerk Swope gave his condolences to the family of Jim Morse, an election inspector who recently passed away. He stated that there is still time to request and receive absentee ballots. He also stated that his office at 2500 S. Washington Ave. will be open from 8 a.m. to 2 p.m. this Saturday to request and receive absentee ballots. He asked that voters call his office or check his website to find out their polling locations.

COMMUNITY EVENT ANNOUNCEMENTS

Willy Williams of P.O. Box 11042 announced the Got Chess? program.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero thanked Joan Jackson Johnson and the Human Relations and Community Services Department employees for the success of the recent Mobile Food Pantry. He invited everyone to attend the opening of the South Side Community Center. He stated that he attended the ribbon cutting ceremony for the Gier Community Center expansion. He spoke about the Brownfield summit. He asked for a moment of silence for the family of Demarcus Rembert, as citizen who was recently killed. He stated that there will be a community public safety meeting regarding this incident and others. He spoke about the six month crime statistics which show that the city has experienced a 16.3% reduction in overall crime.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

- In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 812 Heald Pl.

There were no speakers for this Show Cause Hearing

REFERRAL OF SHOW CAUSE HEARINGS

- In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 812 Heald Pl.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

John Pollard of 1718 Blair St. spoke about the City Council Budget Policies and Priorities.

Richard Clement of P. O. Box 26123 spoke about transfers of funds and about the "Modus Operandi" agreement between the Venue Nightclub and the Lansing Police Department.

Kathi Raffone of 1221 Muskegon Ave. spoke about the city budget.

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Jeffries asked that items 1a, 1b, 1c, 2a, 2b, 2c, 2d, 2e, and 3a be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2009-403

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at 1619 Bailey Street, Parcel # 33-01-01-22-351-141 legally described as: Lot 20 Block 1 Assessors Plat No 28 Rec L 10 P 33 is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on January 11, 2007; and

WHEREAS, a hearing was held by the Hearing Officers on August 27, 2009, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by September 24, 2009; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on October 19, 2009, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 1619 Bailey Street are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty days from the date of this resolution, Monday, October 26, 2009.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed

and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Allen

Motion Carried

RESOLUTION #2009-404

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at 825 Clayton Street, Parcel # 33-01-01-08-452-201 legally described as: Lot 112 Oakdale Add is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on June 29, 2004; and

WHEREAS, a hearing was held by the Hearing Officers on August 27, 2009, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by September 24, 2009; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on October 19, 2009, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 825 Clayton Street are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty days from the date of this resolution, Monday, October 26, 2009.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Allen

Motion Carried

RESOLUTION #2009-405

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at 806 N. Cedar Street, Parcel # 33-01-01-09-477-091 legally described as: Lot 17 Assessors Plat No 29 of Block 18 Orig Plat is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on February 6, 2009; and

WHEREAS, a hearing was held by the Hearing Officers on August 27, 2009, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by September 24, 2009; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on October 19, 2009, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 806 N. Cedar Street are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty days from the date of this resolution, Monday, October 26, 2009.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Allen

Motion Carried

RESOLUTION #2009-406

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Charter of the City of Lansing requires the Council to adopt an annual statement of Budget Policies and Priorities serving to guide the Administration in developing and presenting the Fiscal Year 2010-2011 budget; and

WHEREAS, the City Council recognizes that the State's continuing budget problems and the economy's slow recovery from recession will make the Fiscal Year 2010-2011 budget process difficult and challenging; and

WHEREAS, in light of the present economy, the City Council maintains that public and emergency services be protected from budget cuts to the extent possible and that tax increases be considered; and

WHEREAS, the City Council would like to continue its commitment, if funding is available:

- Maintain and improve the City's infrastructure;
- Preserve and ensure clean, safe, well-maintained housing and neighborhoods;
- Provide comprehensive and affordable recreational programs and youth and family services;
- Automate work programs for improved efficiency in service delivery; and

WHEREAS, in considering these Fiscal Year 2010-2011 budget priorities, the Administration is encouraged to ascertain the feasibility of funding any new programs through the reduction of spending in existing program areas; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, acknowledges that the City will likely need to adopt, at best, a budget which recognizes the structural changes that are the result of lost revenues and encourages the Administration to prudently develop next year's budget with the following conditions:

- Protection of public and emergency services;
- Use of the Budget Stabilization Fund to prevent layoffs;
- Consider a property tax increase to fund additional patrol officers;

BE IT FURTHER RESOLVED that the Administration review the attached statement of policies and priorities and implement those items that would boost efficiencies to increase productivity or reduce costs, that could replace existing programming, or if funding becomes available, that could be considered as new programming.

GENERAL ADMINISTRATION

Training: All Departments should continue their work to improve community relations and reaffirm the City's commitment to ensure equality and freedom for all people regardless of actual or perceived race, sex, religion, ancestry, national origin, color, age, height, weight, student status, marital status, familial status, housing status, military discharge status, sexual orientation, gender identification or expression, mental or physical limitation, and legal source of income.

Arts Commission: The Administration should develop an Arts Commission and submit both the policy and recommendation of members to Council for their approval.

Environmental & Public Health Commission: The Administration should develop an Environmental & Public Health Commission and submit both the policy and recommendation of members to Council for their approval.

Facilities Plan: The Administration is requested to submit a five and ten year Master Facilities Plan. City Council is also requesting that the Administration continue work on the delayed maintenance issues with regard to all City Facilities. The Administration should develop a plan for consolidation of the North and South Precincts, Central Police Operation, and 54-A District Court and report back to Council within a sufficient amount of time to implement prior to expiration dates on leases.

FINANCE DEPARTMENT

General Budgeting Practices:

1. Administration is to develop a line item budget.
2. Develop and analyze a cost recovery schedule for City services.
3. Develop a return on investment analysis for all proposed changes in City services.
4. Identify and provide a complete analysis of the City's structural deficits and the Administration's plan to eliminate the same.

PUBLIC SAFETY

FIRE DEPARTMENT

City-wide Emergency Preparedness: The Administration should allocate sufficient funding for the Emergency Management Division to prepare City Employees with appropriate emergency training, continue efforts to prepare the public and neighborhood groups to assist in emergencies, and provide basic search and rescue operations and necessary emergency equipment at key City facilities, and communicate the plan to the public. The Administration should assist residents in times of unforeseen disasters.

Firefighters: The Administration in conjunction with the Internal Auditor is to determine if it is more advantageous to hire additional firefighters rather than increase overtime.

Fire Facilities Maintenance: The Administration is to conduct a study of the maintenance needs of all fire stations.

Fire Stations: All current fire station structures need to remain open unless one is closed in order to open a new station. If there is consideration of a reduction of the level of personnel at a station, it must be promptly brought before Council for approval. City Council encourages the administration to study the possibility of utilizing regional fire facilities.

POLICE DEPARTMENT

Police-Community Relations: The Department should continue its work on improving police-community relations and reaffirm the City's commitment to ensure equality and freedom for all people regardless of actual or perceived race, sex, religion, ancestry, national origin, color, age, height, weight, student status, marital status, familial status, housing status, military discharge status, sexual orientation, gender identification or expression, mental or physical limitation, and legal source of income.

Crime Prevention: The Administration is requested and encouraged to invest in programs for long-term crime prevention strategies.

Expedite Hiring Process: The Administration should fill all the vacant

funded positions and "front load" positions for the LPD to ensure that all critical positions are filled at all times. These positions are to be filled at all times even if it is on a temporary basis due to officers retiring or being called for reserves. The Administration should look at filling positions with civilians or volunteers allowing more officers on patrol.

Additional Police Officers: The Administration should place ten additional road patrol officers.

LPD Personnel: The Administration is requested to review the way the police department is structured to determine if civilian personnel or police officers could be deployed differently in order to increase the number of patrol officers on the street.

Allocate Overtime for Zero Tolerance Areas: The Administration should earmark sufficient overtime funds for patrol officers to address problem solving to help curtail crime in zero tolerance areas. The Council recommends that overtime funds should not be taken from the current overtime budgeted line item.

HUMAN RELATIONS AND COMMUNITY SERVICES

Audits of Organizations: The Administration should work with the Internal Auditor to provide the Ways and Means Committee with an analysis of the Federal 990 Statement and any annual audit or financial statement that is compiled by or for the organization that receives funding from HRCS or in-kind contributions in excess of \$5,000 from the City.

Carry Forward Funding: In accordance with the ordinance requiring 1.25% of the revenues set aside for funding of the Human Relations and Community Service programming, City Council wants all of these funds to be carried forward and distributed, which could entail a one time grant to qualified programs to ensure service to the community.

Emergency Housing: The Administration should establish a fund for temporary emergency housing needs which may not be met by outside agencies.

Special Events: The Administration should develop a mechanism to measure the City's costs associated with special events filed with the City. Identify all additional money or donated items given to the City to host or sponsor special events.

PARKS AND RECREATION DEPARTMENT/PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT/PUBLIC SERVICES DEPARTMENT

Consolidation of Ground Maintenance: The Administration should pursue the consolidation of equipment and management for all grounds-related maintenance.

Trail/Greenways: The Administration should encourage the Parks and Recreation Department to work collaboratively with the Tri-County Planning Commission to develop/expand our citywide/regional trail system and seek opportunities to reduce expenses in this effort. Additionally, look at the feasibility of connecting the River Trail (through bike lanes/Greenways to Trails) where there is currently no access to the trail.

Mid-Michigan Football Youth League: The City Council encourages Administration to pursue all grants and outside funding sources to be identified for building a home facility for our local Mid-Michigan Youth Football League.

PARKS AND RECREATION DEPARTMENT

Baker/Donora Facility: City Council understands the service that is given at Baker/Donora Focus Center which affects the community in and

around the center. Because of the opportunity which now avails itself with the Greater Lansing Housing Coalition and the NPP, City Council requests the Administration to make every effort possible in facilitating and utilizing the funding available to implement the plan for a new building.

Park Millage Usage: Park Millage money should be used for maintenance, programs, and improvements to our existing park facilities.

Golf: The Administration should pursue the recommendations made by the Public Service Committee by means of a 2006 Committee Report and approved by Council through a resolution.

Park Restrooms: The Administration should submit a plan which will allow for restroom facilities in the City's park system to be utilized during the day time hours, including weekends, and to analyze the cost and feasibility of installing semi-permanent restroom facilities.

Forestry: The Administration should make no further cuts to forestry/cemetery staff. Further, the Administration should pursue expanding forestry services, including staffing, by requiring the "insourcing" of these services in all City contracts where applicable.

PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT

Neighborhood Preservation Program: The Administration should monitor the commitments made by City departments and non profits as part of the Neighborhood Preservation Program and make an assessment of the program and recommendation for a new plan.

Traffic: The Administration should provide a plan to be pro-active for the replacement of signage (stop signs, traffic signs, etc.).

Focus on Home Ownership: The Administration should direct the Planning Department to designate the City's HOME dollars for owner-occupied housing.

Beautification: The Administration should include a beautification standard/expectation in all proposed development projects, including those capital projects that are financed with City funds. Such standards should serve as a planning and economic development tool that will enhance property values, create jobs, and revitalize neighborhoods and business areas.

Corridor: City Council encourages the Administration to develop a plan to revitalize and enhance major corridors that lead into the City.

Allocation of Code Compliance Time: The Code Compliance officers should spend an equal amount of their time between rental registration inspections and quality-of-life issues and complaints from residents that may not generate revenue.

Code Compliance: The Code Compliance Office should develop a plan for coverage of code compliance issues during evenings and weekends.

Expedite Improving Abandoned Residential and Commercial Buildings: The City Attorney and the Planning and Neighborhood Development Department should expedite the forced improvements or closure of abandoned, neglected, and burned out houses and commercial buildings, and develop a commercial building code.

Housing Court: The Court, City Council, and the Administration should work to create a Housing Court to expedite code enforcement and housing issues.

Specialty Grocery Market: The Administration and the City of Lansing Economic Development Corporation should pursue, as a destination location, a specialty grocery market such as a Whole Foods Market,

Fresh Market, or Trader Joe's in Lansing.

Grocery Stores: The Administration and the City of Lansing Economic Development Corporation should pursue grocery stores in the urban core.

PUBLIC SERVICE DEPARTMENT

Maintenance: The Administration should ensure money is allocated for the maintenance of alleys, rain gardens, and other public areas.

Street Sweeping: The Administration should develop a plan for maintenance of the street right-of-way, which includes increasing street sweeping, trash, and brush removal. Additionally, Administration should establish priority zones for bike lanes.

Residential Solid Waste: City Council encourages the Administration to analyze the costs and benefits of providing all residential solid waste services through the City.

Compost Material: The Administration is requested to provide a final report to City Council regarding the cost/benefit of retrofitting yard waste trucks with hydraulic lifts and providing rigid recycling bins that would be compatible with such trucks.

Sidewalks: The Administration should ensure that sidewalks are installed, maintained, and free of snow in high traffic areas to provide the public, especially children, with safe routes to and from schools and shopping areas. The Administration should also submit plans to upgrade the skywalks to make them handicap accessible. The Administration should ensure that all sidewalks in all areas identified in the 2005 Public Service Gap Closure Analysis are addressed in order of their priority unless construction is scheduled.

Skywalks: The Administration should submit a report to upgrade existing skywalks to make them handicap accessible and identify additional sites for installation of future skywalks.

Sidewalk Repairs: The Administration should provide Council, for their review, the ordinance and mechanism to enact the Sidewalk Inspection Due on Sale of Property Program as well as guidelines that would allow property owners to pay for the replacement/repair of deteriorating sidewalks and be reimbursed by the City for its share of the cost and ensure that all temporary repairs meet ADA standards for "Rise and Run".

Rain Gardens: The Administration is requested to provide a comprehensive design plan and costs for adding to or transitioning from traditional storm sewers to rain gardens, wherever feasible. Every effort should be made to coordinate installation with existing and planned construction projects. The Administration should provide information about and encourage the use of rain gardens on all new development. Once the plan is approved by City Council, the Administration shall install rain gardens according to the plan.

Bike Lanes: The Administration is encouraged to expedite the Walkable/Bikeable Plan as outlined in the current ordinance.

Utilities: The Administration should make every effort to coordinate with utility providers to bury utilities where and whenever possible.

CSO Projects: The Administration should partner with City Council to engage residents affected by CSO in a project review, survey, and evaluation of the City's CSO Control Project with a focus on the existing project approach of total separation of the remaining combined sewer system.

CSO Project Funding: The Administration should review and determine long term strategies for financing and funding CSO projects which do not primarily rely on sewer rates.

By Council Member Robinson

Motion Carried

RESOLUTION #2009-407

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the COPS Project Safe Neighborhood Grant received from the US Department of Justice, Office of Justice Programs and that the following FY 2010 transfer be approved:

State/Federal Programs
Police
COPS Project Safe Neighborhoods

\$ 6,000.00 from Federal Revenue	273.0.527001.17081
\$ 6,000.00 to Miscellaneous Operating	273.343251.741000.17081

(To appropriate US Department of Justice, Office of Justice Programs, Project Safe Neighborhoods resources to address persistent local issues of guns, drugs, and gangs. Special public billboard ads will be emphasized. The project covers the period of February 1, 2009 to September 30, 2010.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-408

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the 54A District Court's Sobriety Court Grant received from the USDOT Office of Highway Safety Planning and that the following FY 2010 transfer be approved:

State/Federal Programs
Sobriety Court OHSP

\$30,000.00 from Federal Revenue	273.0.527000.17068
\$16,840.00 to Temp Help	273.132201.707000.17068
\$675.00 to Miscellaneous Operating	273.132201.741000.17068
\$12,485.00 to Contractual Services	273.132201.743000.17068

(To provide for supplemental funding in Sobriety Court with grant resources from the US Department of Transportation, Office of Highway Safety Planning [OHSP]. The grant will operate from October 1, 2009 to September 30, 2010)

By Council Member Wood

Motion Carried

RESOLUTION #2009-409

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the Supreme Court Administration Office Renewal Grant received from the Michigan Drug Court Grant program and that the following FY 2010 transfer be approved:

State/Federal Programs
Sobriety Court MDCGP

\$20,600.00 from Federal Revenue	273.0.547000.17075
\$3,000.00 from Participant Fees	273.0.648001.17075
\$23,600.00 to Temp Help	273.132201.707000.17075

(To provide for basic funding of temporary help in Sobriety Court with grant resources from the Supreme Court Administrative Office. The grant will operate from October 1, 2009 to September 30, 2010)

By Council Member Wood

Motion Carried

RESOLUTION #2009-410

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the ATF Database Grant received from the US Department of Justice and that the following FY 2010 transfer be approved:

State/Federal Programs
Police
ATF Database Grant

\$ 28,000.00 from Federal Revenue 273.0.527001.17065
\$ 28,000.00 to Overtime – ATF Task Force 273.343225.708000.17065

(To appropriate US Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives [ATF] grant resources to provide for the overtime-intensive loading of evidence data to the ATF nationwide database. The project covers only the month of September 2009.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-411

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the 09 Justice Assistance Grant received from the US Department of Justice and that the following FY 2010 transfer be approved:

State/Federal Programs
Police
09 Justice Assistance Grant

\$ 194,603.00 from Federal Revenue 273.0.527001.17662
\$ 14,294.00 to Ingham County 273.343251.960002.17662
\$ 21,400.00 to East Lansing 273.343251.960004.17662
\$ 158,909.00 to Miscellaneous Operating 273.343251.977101.17662

(To appropriate the annual renewable formula grant resources of the US Department of Justice for cooperative law enforcement programs in the wider Lansing area. Ingham County and East Lansing will concentrate resources on technical equipment, and Lansing will concentrate on expanding and updating its Detention Center surveillance. The project covers the period of October 1, 2009 to September 30, 2012.)

By Council Member Wood

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-412
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY met on September 16, 2009 and reviewed safety concerns surrounding the Venue Nightclub during

their events. During that meeting, the owners of the Venue Nightclub and representatives from the Lansing Police Department attended to discuss safety recommendations.

At the October 21, 2009 Committee on Public Safety meeting, Captain Teresa Szymanski provided the Committee with a "Modus Operandi" agreement between the Lansing Police Department and the Venue Nightclub. The agreement includes a list of recommendations to assist with issues that arise with large crowds of people on the Venue Nightclub's special events nights, including monitoring of alcohol sales/consumption, due to recurring altercations of varying severity near and after the Club closing, and keeping in mind the limitations of the Lansing Police Department.

For each special event put on by the Venue Nightclub, the "Modus Operandi" agreed upon would include the following:

- 20-25 Security Officers to staff special events
- Security Officers screen all patrons entering the Club
- Barricades are placed to encourage patrons waiting in line to remain orderly
- Security Officers and Club management communicate via two way radios
- Security Officers and Club Management maintain an Incident Log documenting problems, complaints, crimes, etc.
- Security Officers and Club Management notify Police of reported crimes
- Security Officers wear name tags
- Security Officers patrol parking areas during the Club's business hours
- Club stops performances/music and switch to lower volume calming music at 35 minutes prior to closing
- Club turns on interior lights and begin periodic closing announcements asking patrons to leave at 30 minutes prior to closing
- Closing announcements advise patrons not to loiter in the parking lot
- Security Officers conduct a sweep of the parking lot at closing time
- Security Officers do not allow patrons to loiter in parking areas
- Club provides portable lighting for parking areas
- Club provides Police advance notice of special events
- Police have installed Public Video Surveillance (PVS) cameras
- Police supervisors monitor activity at the Club
- Club provides traffic barricades in parking areas to direct vehicles to exit
- Police assist with traffic control on public roadways as needed
- Club ensures trash is cleaned from parking areas after closing
- Club maintains dialogue with neighboring business management
- Club continues practice of increased security staff when large crowds are expected

The Committee wishes to thank the Lansing Police Department for their time and effort in this endeavor.

By the Committee on Public Safety

Signed by: Sandy Allen, Chair
Carol Wood, Vice Chair
Eric Hewitt, Member

By Council Member Allen

To receive this Committee Report

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the placement on file of a draft version of the City of Lansing's Report on Audit of Financial Statements for the year ended June 30, 2009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Submitting written comments received during the sixty (60) day comment period for the intent to create the Saginaw Street Corridor Improvement Authority and the Michigan Avenue Corridor Improvement Authority

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. P-1-2007; Final Plat, Re-approval of McCrackin Subdivision – Valencia Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Transfer of Funds; State/Federal Programs, 09 Recovery Asset Seizure Federal Grant Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Transfer of Funds; Police Administration, Donations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Transfer of Funds; State/Federal Programs, Automobile Theft Prevention Authority Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- v. Grant Acceptance; Energy Efficiency Community Block Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing 15-Day Notice of an application from RPF Oil Company for a new SDM License to be located at 4600 S. Cedar St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- b. Letter from Comcast Cable providing notice of network enhancements and channel lineup changes effective on or about November 18, 2009 and submitting documents related thereto

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- c. Letter from Kasia Franklin of 1714 Shady Oak Ln. requesting a stop or yield sign at the northeast corner of Biltmore Blvd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND REFERRED TO THE TRANSPORTATION DIVISION

- d. Letter from Steve Harry of 3125 Tecumseh River Rd. requesting an Ordinance banning the use of 527 accounts by City of Lansing elected officials

REFERRED TO THE CITY ATTORNEY

MOTION OF EXCUSED ABSENCE

By Council Member Robinson

To excuse Council Member Dunbar from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Council Member Jeffries explained his absence from recent Committee of the Whole meetings.

Vice President Robinson stated the reasons for addressing absences from recent Committee of the Whole meetings and the resulting lack of quorums.

Council member Jeffries spoke about his attendance record.

Council member Wood spoke about her attendance record and explained her absence from recent Committee of the Whole meetings.

Council Member Allen spoke about her attendance record and explained her absence from recent Committee of the Whole meetings.

Council Member Hewitt explained his absence from recent Committee of the Whole meetings.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Marcus Brown of 119 and 121 E. Barnes Ave. spoke about issues related to his neighborhood.

Dottie Croskey of 144 Barden St. spoke about issues related to her neighborhood.

Dennis Burdick of 518 N. Verlinden St. spoke about the upcoming City General Election.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Claude Beavers of 3010 Boston Blvd. spoke about the Mayor's 527 account and about golf courses in the city.

Whitney Simpson of 3111 Plymouth Dr. spoke about taxes.

Gary Andrews of 560 Brookland Blvd. spoke about Cable PEG channel issues.

Fred Stackable of 4781 E. Golfview Dr., Leland, spoke about the upcoming City General Election.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Christopher Davis of 122 W. Huron St. spoke about various city matters.

Richard Clement of P.O. Box 26123 spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Rina Risper of 503 W. Grand River Ave. spoke about various city matters.

ADJOURNED TIME 9:32 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF NOVEMBER 2, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Dunbar, Hewitt, Jeffries, Kaltenbach (Left at 8:53 p.m.), Quinney, Wood

ABSENT: Council Member Robinson

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Jeffries

To approve the printed Council Proceedings of October 26, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Council Member Jeffries

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Council Member Jeffries; Letter from the Mayor re: Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the City of Lansing Public Service Department to allow for construction in the extended hours from 8 p.m. to 10 p.m. Monday through Friday and from 8 a.m. to 10 p.m. on Saturdays on Edgewood Blvd. between Washington Ave. and Cedar Street effective June 15, 2010 to October September 15, 2010

SPECIAL CEREMONIES

- Special Ceremonies

1. Mayoral Presentation; Recognition of Project Homeless Connect Event Sponsors and Volunteers

Mayor Bernero spoke about all of the events that took place during this event.

Mayor Loomis of East Lansing stated that he was proud to be a part of this event and gave his gratitude to all of the sponsors and volunteers. He spoke about homelessness affecting all cities.

Darla Dowker Jackson, Greater Lansing Homeless Resolution Network Coordinator, thanked Mayor Bernero, Mayor Loomis and the Human

Relations and Community Services Department for this event.

Dr. Joan Jackson Johnson, Director of the Human Relations and Community Services Department, thanked all who participated in this event and passed out plaques to those volunteers and sponsors present.

Sandra Dragoo of the Capital Area Transportation Authority (CATA) stated that she was glad that her organization served both Lansing and East Lansing and is glad to support such events.

Dr. Barry Saltman of Care Free Medical Clinic stated that he was fortunate to be a part of this event.

Dr. Johnson recognized Lansing Police Department, represented by Lieutenant Jim Kraus, for their assistance.

Danielle Weller of Jackson National Life stated that her company appreciated the partnership and spoke about the company's volunteer efforts.

Mayor Bernero spoke about the Building Maintenance Division getting the former Armory building ready for the event. Tom Weber of the Building Maintenance Division stated that he was accepting his plaque on behalf of his staff who worked to get the former Armory ready for this event.

Dr. Johnson spoke about Ken's Restaurant, represented by Jason and Joshua, providing plenty of food for the event. and she also spoke about Wal-Mart's involvement.

Dr. Johnson thanked Dino's Barber Studio, represented by Dino's spouse Lenina Horton.

A Teen Challenge representative stated that it was a pleasure to serve at this event.

Dr. Johnson thanked Mike Egan of East Lansing Bike Repair and Mike & Carolyn Hudson of St. Vincent DePaul's for all of their efforts. Mr. Hudson thanked his organization's employees and volunteers.

Marta Bobillo representing UAW Women stated that the women enjoyed helping out for the event.

Joan Jackson Johnson recognized Kellie Dean and Dean Transportation for all of their help.

Dr. Johnson thanked Willie Paulson and Scott for providing massages for the multitudes. Ms. Paulson stated that she appreciated the opportunity to be involved in this event.

Dr. Johnson recognized DBI, represented by Steve, for their assistance and donations.

Dr. Johnson recognized Katrina Urista, Antonio Urista, and Estelle Escamilla for their volunteer efforts. Ms. Urista stated that the City of Lansing has very thoughtful leadership and she recognized Joan Jackson Johnson's efforts.

Dr. Johnson recognized Rejuvenates Reflexology for their work and Paul John and his son for providing an industrial sized fan to cool the building.

Jocelyn, Cherish, and Ashley from Patrick's Salon were recognized for their efforts. One of them stated that she and her co-workers were

blessed to provide something taken for granted such as a haircut.

Edward Noonan of Michigan State University spoke about the University's housing program.

Patricia Castro of Patricia's Hair Care Ministry thanked all for their efforts.

Dr. Joan Jackson Johnson encouraged more people to volunteer and sponsor for next year's event.

Mayor Bernero stated the importance of looking out for our neighbors.

Dr. Johnson spoke about ways to contact her to get involved and she announced a coat drive and the need for donations of clean coats.

Mayor Bernero stated that he always runs into Council President Quinney at events where food is passed out.

Council President Quinney stated that everyone is a critical component to the success of a community. He thanked his fellow Council Members, Mayor Bernero, Mayor Loomis, Joan Jackson Johnson and all of the volunteers and sponsors who helped make this event such a success.

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Kaltenbach stated that he received a call from a constituent pleading with candidates in the upcoming City General Election to cease using "robo calls."

Council Member Wood announced the next Genesee Neighborhood meeting.

Council Member Hewitt announced the next Eastside Neighborhood Organization meeting and the next 1st Contact meeting for residents of the 1st Ward. He followed up with Mayor Bernero about an unrepaired sidewalk in the 2700 block of E. Michigan Ave. that he stated he has asked about for the past six months. He also asked him about Fairview Ave. in the Groesbeck Area not being repaired.

Council Member Dunbar a New hope for the Homeless event and free H1N1 flu shots from the Ingham County Health Department.

City Clerk Swope spoke about the upcoming City General Election. He stated that the polls open at 7 a.m. and close at 8 p.m. on Tuesday, November 3, 2009. He also stated that absentee ballots must be returned to one of his office locations by 8 p.m. on Election Day in order to be counted.

COMMUNITY EVENT ANNOUNCEMENTS

Kathi Raffone of 1221 Muskegon Ave. announced a coat drive at the Tim Horton's on S. Cedar St.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the recent Trick or Treat on the Square event and thanked the sponsors and volunteers of the event. He spoke about several items on tonight's agenda including the Establishment of Improvement Authorities for Michigan Ave. and Saginaw St. and the

Approval of His Healing Hands Urgent Care Center, Inc. – Building Purchase Project Plan for property located at 2025 W. Holmes St. He announced a Complete Streets planning meeting and urged all registered voters to get out and vote tomorrow. He addressed the concerns raised by Council Member Hewitt.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Ronald Krueger of 3333 Moores River Dr. stated concerns with the Objection to the Transfer of All Unsold Tax Reverted Properties from the Ingham County Treasurer to the City of Lansing.

Joan Nelson of 217 Rosamond St. spoke in support of the Establishment of the Michigan Avenue Corridor Improvement Authority and Designation of the Development Area.

Eric Schertzing, Ingham County Treasurer, spoke in support of the Objection to the Transfer of All Unsold Tax Reverted Properties from the Ingham County Treasurer to the City of Lansing.

John Pollard of 1718 Blair St. spoke in support of the Approval of His Healing Hands Urgent Care Center, Inc. – Building Purchase Project Plan for property located at 2025 W. Holmes St. and in support of SLU-2-2009 and in opposition to the Darrell Kennedy Claim Denial and the Establishment of Improvement Authorities for Michigan Ave. and Saginaw St.

Kathi Raffone of 1221 Muskegon Ave. spoke about the Objection to the Transfer of All Unsold Tax Reverted Properties from the Ingham County Treasurer to the City of Lansing.

Richard Clement of P.O. Box 26123 spoke in support of the NAACP and in support of the Establishment of the Michigan Avenue Corridor Improvement Authority and Designation of the Development Area.

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Hewitt asked that items 1a, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 3a and 3b be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2009-413

BY COUNCIL MEMBERS ALLEN, DUNBAR, HEWITT, JEFFRIES,
KALTENBACH, QUINNEY, ROBINSON, AND WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Branch of the National Association for the Advancement of Colored People (NAACP) has announced its 44th Annual Freedom Fund Dinner to be held Friday, October 30, 2009 at the Causeway Bay Hotel and Convention Center; and

WHEREAS, in 1919, the Lansing Branch of the NAACP was chartered under the leadership of Mr. C.A. Campbell who fought diligently to enforce civil rights laws for the community; and

WHEREAS, the NAACP's mission is to ensure the political, educational, social, and economic equality of rights for all persons and to eliminate hatred and racial discrimination; the efforts put forth through the Lansing Branch made vast strides in integrating the Lansing community; and

WHEREAS, for 100 years, the NAACP has lead the movement on social rights and equality; and

WHEREAS, the keynote speaker, Priscilla Hill-Ardoin, recently retired from AT&T as a Senior Vice-President with 32 years of distinguished service and is a founding member of the Missouri City, Texas Chapter of Links Incorporated, a member of Alpha Kappa Alpha Sorority, Incorporated and is a recognized leader in the communications industry as a motivational speaker who advocates for the advancement of women and minorities in all areas of business; and

WHEREAS, the NAACP 44th Annual Freedom Fund Dinner offers an opportunity for the community to come together in support of the work of the NAACP Lansing Branch and share in the celebration, "NAACP: 100 Years Bold Dreams, Big Victories, and New Challenges";

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, acknowledges the Lansing Branch of the National Association for the Advancement of Colored People on its 44th Annual Freedom Fund Dinner and expresses our admiration and gratitude to its members for their achievements and commitment to the City of Lansing and its residents. We applaud them for many years of success and diligence in the fight for equality and anticipate many more to come. Congratulations!

By Council Member Wood

Motion Carried

RESOLUTION #2009-414

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

His Healing Hands Urgent Care Center, Inc. – Building Purchase
Project Plan Approval

WHEREAS, the Lansing Economic Development Corporation (LEDC) Board of Directors has identified Lansing as a major economic development investment area; and

WHEREAS, the LEDC designated His Healing Hands Urgent Care Center, Inc.'s purchase of the facility at 2025 W. Holmes Rd. and subsequent opening of an urgent care facility for the underinsured as a "Project" with a "Public Purpose" as defined by P.A. 338 of 1974, as amended; and

WHEREAS, in an effort to foster business development, expansion and renovation of properties within the city of Lansing, the LEDC has initiated a Business Financing Assistance Program (BFAP) and believes this Project has a significant impact on revitalization; and

WHEREAS, His Healing Hands Urgent Care Center, Inc. has made application with the LEDC for a BFAP business loan for the purchase of a building at the property address located at 2025 Holmes Street, Lansing, Michigan and legally described as (legal description includes parcel numbers):

33-01-01-32-101-777 (land): ALL LANDS WITHIN THE PLATED CONDOMINIUM PROJECT, AND AS AMENDED, REFERRED TO AS THE GENERAL COMMON ELEMENTS; HOLMES ROAD MEDICAL-DENTAL CONDOS INGHAM COUNTY CONDOMINIUM PLAN NO 17

33-01-01-32-101-382: SUITE NO 1 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-383: SUITE NO 2 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-384: SUITE NO 3 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

33-01-01-32-101-385: SUITE NO 4 HOLMES ROAD MEDICAL-DENTAL BUILDING CONDOMINIUM

WHEREAS, the Project will result in new investment of approximately \$165,000; and

WHEREAS, Section 8 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the Act), requires that before the LEDC acquires an interest in property or incurs obligations for a specific project, the corporation shall prepare a project plan, conduct a public hearing on the matter and secure the recommendations of the local governing body; and

WHEREAS, the LEDC has prepared a Project Plan for the Project, submitted it to Council and placed it on file in the office of the City Clerk in accordance with the Act; and

WHEREAS, at such hearing held on the 14th day of September, 2009, the fullest opportunity was given for expression of opinion, for arguments on the merits, and for introduction of documentary evidence pertinent to the Project Plan, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

WHEREAS, the City Council desires to express its approval of said Project Plan;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the His Healing Hands Urgent Care Center, Inc. – Building Purchase Project Plan submitted by the LEDC after determining that the project plan constitutes a public purpose based on the following considerations:

- a. The Project Plan meets the requirements set forth in Section 8 of the Act.
- b. The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the plan properly.
- c. The proposed method of financing the Project is feasible and the LEDC has the ability to arrange the financing of a not to exceed loan in the amount of \$50,000 for purchase of real property at 2025 W. Holmes Rd.. This loan is contingent upon His Healing Hands Urgent Care Center, Inc. being able to fundraise \$25,000 of cash contributions within a 120 day period beginning August 28th, 2009.
- d. The Project is reasonable and necessary to carry out the purpose of the Act.

BE IT FURTHER RESOLVED that the LEDC is hereby authorized to proceed with the Project and the financing thereof.

BE IT FINALLY RESOLVED that the City Clerk is hereby requested to provide three certified copies of this resolution to the LEDC.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-415

BY THE COMMITTEE OF DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

P-1-2007, McCrackin Plat
Valencia Boulevard
Final Plat Approval

WHEREAS, the proprietor, Karrie McCrackin, has requested final plat approval to create 10 single family lots on the vacant, 2.563 acre, parcel

of land at the southwest end of Valencia Boulevard; and

WHEREAS, the property is zoned "A" Residential District, which district is appropriate for the proposed single family residential development with a net density of approximately 4 dwelling units per acre; and

WHEREAS, the final preliminary plat was approved by the City Council on April 7, 2008; and

WHEREAS, Chapter 1234 of the Planning & Zoning Code states that if the final plat is in substantial agreement with the approved preliminary plat, the Planning Board shall prepare a report on its recommendations to Council and immediately forward the plat and accompanying recommendations to Council; and

WHEREAS, the Planning Board, at its meeting held on October 6, 2009 found that the plat is in complete agreement with the approved preliminary plat and voted unanimously (4-0) to recommend that it be approved by the City Council; and

WHEREAS, the Committee on Development and Planning of City Council has reviewed the report of the Planning Board and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, approves the final plat (P-1-2007) for 10 single family residential lots on the 2.563 acre parcel of land at the southwest end of Valencia Boulevard.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-416

BY THE COMMITTEE OF DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-2-2009

119 E. Barnes Avenue

Neighborhood Resource Center in the "C" Residential District

WHEREAS, the applicant, Marcus Brown, has requested a Special Land Use permit (SLU-2-09) to utilize the building at 119 E. Barnes Avenue for a neighborhood resource center that would provide free tutoring, computer training, resume support and a borrowing center for books, tools, lawn equipment, etc.; and

WHEREAS, the property is zoned "C" Residential District where neighborhood/community centers are permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on September 16, 2009, at which time the applicant and a representative from the Fabulous Acres Neighborhood Association spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its September 16, 2009 meeting, voted unanimously (4-0) to recommend approval of SLU-2-09 to permit a neighborhood resource center, with certain conditions; and

WHEREAS, the City Council held a public hearing regarding SLU-2-09 on October 12, 2009; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-2-09, for a neighborhood resource center in the "C" Residential District with the following conditions:

1. The building is brought into compliance with all applicable building code requirements
 2. No outdoor storage is permitted
 3. The applicant retain the residential character of the building
- ;and

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with three conditions, the City Council determines the following:

1. The proposed neighborhood resource center is compatible with the essential character of the surrounding area, as designed.
2. The proposed neighborhood resource center will not change the essential character of the surrounding area.
3. The proposed neighborhood resource center will not interfere with the general enjoyment of adjacent properties.
4. The proposed neighborhood resource center will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed neighborhood resource center will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed neighborhood resource center can be adequately served by essential public facilities and services.
7. The proposed neighborhood resource center will not place any demands on public services and facilities in excess of current capacities.
8. The proposed neighborhood resource center is consistent with the intent and purposes of the Zoning Code and in conformance with the master plan.
9. The proposed neighborhood resource center will comply with the requirements of the "C" Residential District.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-417

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANSING

Resolution Establishing Michigan Avenue Corridor Improvement
Authority
And Designation of the Development Area

WHEREAS, the City of Lansing (the City), is authorized by the provisions of MCL 125.2871, et seq., Act 280, Public Acts of Michigan, 2005, as amended (Act 280), to create a corridor improvement authority; and

WHEREAS, the City Council held a public hearing on August 24, 2009 pursuant to Act 280 in connection with the establishment of a corridor improvement authority and the designation of the proposed development area; and

WHEREAS, at least 60 days have passed since the public hearing; and

WHEREAS, the City Council intends to proceed with the establishment of a corridor improvement authority;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Determination of Necessity: Purpose. The City Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, MCL 125.2871, et seq., as amended.

2. Definitions. The terms used in this resolution shall have the same meaning as given to them in Act 280 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this resolution:

"Authority" means the Michigan Avenue Corridor Improvement Authority (also known as "MACIA") created by this resolution.

"Act 280" means Act No. 280 of the Public Acts of Michigan of 2005, as amended. MCL 125.2871, et seq.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City of Lansing.

"City" means the City of Lansing, Ingham and Eaton Counties, Michigan.

"City Council" means the City Council of the City of Lansing.

"Development Area" means the development area designated by this resolution, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

3. Creation of Authority. There is hereby created pursuant to Act 280 a Corridor Improvement Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the MICHIGAN AVENUE CORRIDOR IMPROVEMENT AUTHORITY. The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this resolution and Act 280. The enumeration of a power in this resolution or in Act 280 shall not be construed as a limitation upon the general powers of the Authority.

4. Termination. Upon completion of its purposes, the Authority may be dissolved by resolution of the City Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

5. Description of Development Area. The Development Area shall consist of the territory in the City described in Exhibit A to this resolution, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this resolution and Act 280.

6. Board of Directors. The Authority shall be under the supervision and control of the Board. The Board shall consist of the Mayor or his or her assignee, and seven additional members. Members shall be appointed by

the Mayor, subject to approval by the City Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near as is practicable, shall be appointed for terms of 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed. An appointment to fill a vacancy shall be made by the Mayor for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Chairperson of the Board shall be elected by the Board. The Board shall adopt bylaws governing its procedures subject to the approval of the City Council.

7. Powers of Authority. Except as specifically otherwise provided in this resolution, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

8. Fiscal Year: Adoption of Budget. The fiscal year of the Authority shall begin on July 1st of each year and end on June 30th, or such other fiscal year as may hereafter be adopted by the City Council. The Board shall prepare annually a budget and shall submit it to the City Council for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Council. The Authority shall submit financial reports to the City Council at the same time and on the same basis as departments of the City are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the audit report shall be filed with the City Council.

9. Section Headings: Severability. Section headings are provided for convenience only and are not intended to be part of this resolution. If any portion of this resolution shall be held to be unlawful, the remaining portions shall remain in full force and effect.

10. Publication, Recording and Filing. This resolution shall be published once after its adoption in full in a newspaper of general circulation in the City of Lansing, and the City Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-418

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANSING

Resolution Establishing Saginaw Street Corridor Improvement
Authority and Designation of Development Area

WHEREAS, the City of Lansing (the City), is authorized by the provisions of MCL 125.2871, et seq., Act 280, Public Acts of Michigan, 2005, as amended (Act 280), to create a corridor improvement authority; and

WHEREAS, the City Council held a public hearing on August 24, 2009 pursuant to Act 280 in connection with the establishment of a corridor improvement authority and the designation of the proposed development area; and

WHEREAS, at least 60 days have passed since the public hearing; and

WHEREAS, the City Council intends to proceed with the establishment of a corridor improvement authority.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Determination of Necessity: Purpose. The City Council hereby determines that it is necessary for the best interests of the public to create

a public body corporate which shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, MCL 125.2871, et seq., as amended.

2. Definitions. The terms used in this resolution shall have the same meaning as given to them in Act 280 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this resolution:

"Authority" means the Saginaw Street Corridor Improvement Authority (also known as "Sag CIA") created by this resolution.

"Act 280" means Act No. 280 of the Public Acts of Michigan of 2005, as amended. MCL 125.2871, et seq.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City of Lansing.

"City" means the City of Lansing, Ingham and Eaton Counties, Michigan.

"City Council" means the City Council of the City of Lansing.

"Development Area" means the development area designated by this resolution, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

3. Creation of Authority. There is hereby created pursuant to Act 280 a Corridor Improvement Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the SAGINAW STREET CORRIDOR IMPROVEMENT AUTHORITY. The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this resolution and Act 280. The enumeration of a power in this resolution or in Act 280 shall not be construed as a limitation upon the general powers of the Authority.

4. Termination. Upon completion of its purposes, the Authority may be dissolved by resolution of the City Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

5. Description of Development Area. The Development Area shall consist of the territory in the City described in Exhibit A to this resolution, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this resolution and Act 280.

6. Board of Directors. The Authority shall be under the supervision and control of the Board. The Board shall consist of the Mayor or his or her assignee, and seven additional members. Members shall be appointed by the Mayor, subject to approval by the City Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near as is practicable, shall be appointed for terms of 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed. An appointment to fill a vacancy shall be made by the Mayor for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Chairperson of the Board shall be elected by the Board. The Board shall adopt bylaws governing its procedures subject to the approval of the City Council.

7. Powers of Authority. Except as specifically otherwise provided in this resolution, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

8. Fiscal Year: Adoption of Budget. The fiscal year of the Authority shall begin on July 1st of each year and end on June 30th, or such other fiscal year as may hereafter be adopted by the City Council. The Board shall prepare annually a budget and shall submit it to the City Council for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Council. The Authority shall submit financial reports to the City Council at the same time and on the same basis as departments of the City are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the audit report shall be filed with the City Council.

9. Section Headings: Severability. Section headings are provided for convenience only and are not intended to be part of this resolution. If any portion of this resolution shall be held to be unlawful, the remaining portions shall remain in full force and effect.

10. Publication, Recording and Filing. This resolution shall be published once after its adoption in full in a newspaper of general circulation in the City of Lansing, and the City Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-419

RESOLVED BY THE COMMITTEE ON DEVELOPMENT AND
PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolution objecting to the transfer of all unsold tax reverted properties
from the
Ingham County Treasurer to the City of Lansing

WHEREAS, the City received from the Ingham County Treasurer a list of seventy-two parcels of tax foreclosed property in the City of Lansing foreclosed in 2009 for unpaid property taxed pursuant to Public Act 123 of 1999; and

WHEREAS, under Section 78m(6) of said Act, being MCL 211.78(6) the title to the listed parcels would be automatically transferred to the City of Lansing on December 30, 2009 unless the City objects to the transfer of all or any parcel before the transfer is made; and

WHEREAS, the administration, through the Development Office, has reviewed and is acquainted with the seventy-two listed parcels and has inquired of City departments regarding the usefulness of the parcels for City public purpose or their desirability for future use or development; and

WHEREAS, the administration, through the Development Office, has determined that the City has no interest in acquiring these parcels because the cost of maintaining such property will exceed any benefit that will be obtained; and

WHEREAS, the City does not wish the Ingham County Treasurer to transfer title to the City for these parcels, and

WHEREAS, it is the recommendation of the Mayor that the seventy-two parcels contained in this resolution be rejected by the City from the automatic transfer under Section 78m(6) of the Act;

NOW, THEREFORE, BE IT RESOLVED the City of Lansing, hereby, objects to the transfer of the title to the City of the following tax foreclosed parcel:

2009 FORECLOSURE LIST
City of Lansing

The following parcels have been foreclosed upon by the Ingham County Treasurer, pursuant to Public Act 123 of 1999, for unpaid property taxes. Unless the City of Lansing objects in writing, the Act requires the Ingham County Treasurer to transfer fee simple title in these parcels to the City of Lansing.

33-01-01-03-352-391
LOT 147 NORTH LAWN SUB
Property Address: E GIER ST LANSING MI

33-01-01-03-377-141
LOT 111 PARK MANOR HEIGHTS
Property Address: 2226 RHEAMOUNT AVE LANSING MI

33-01-01-08-206-261
LOT 180 NORTH HIGHLAND SUB
Property Address: 1431 N M L KING JR BLVD LANSING MI

33-01-01-08-254-181
LOT 48 ROSEDALE PARK SUB
Property Address: 1333 ROSELAWN AVE LANSING MI

33-01-01-08-403-031
LOT 18 BUNGALOW HOME ADD
Property Address: THEODORE ST LANSING MI

33-01-01-08-455-041
LOT 19 OAKDALE ADD
Property Address: 912 CLYDE ST LANSING MI

33-01-01-09-129-011
LOT 7 MAPLE PARK ADD
Property Address: 116 W NORTH ST LANSING MI

33-01-01-09-156-031
LOT 2 BLOCK 2 GLENDALE PLACE
Property Address: CHRISTOPHER ST LANSING MI

33-01-01-09-156-181
LOT 5 BLOCK 2 GLENDALE PLACE
Property Address: 1345 EMERSON AVE LANSING MI

33-01-01-09-180-111
S 44 FT OF N'66 FT LOTS 1 & 2; SMITH'S SUB OF LOT 3 & PART OF LOT 4 BLOCK 25 Property Address: 1308 N WALNUT ST LANSING MI

33-01-01-09-201-042
LOT 8 BLOCK 5 TURNER & SMITHS SUB
Property Address: 115 E REASONER ST LANSING MI

33-01-01-09-279-171
W 29.14 FT LOT 11 & E 3.86 FT OF N 106 FT LOT 12 BLOCK 5 ORIG PLAT Property Address: 406 LIBERTY ST LANSING MI

33-01-01-09-356-131
LOT 18 ASSESSORS PLAT NO 40 REC L 11 P 40 Property Address: 903 N PINE ST LANSING MI

33-01-01-09-382-121
N 17 FT LOT 9 & S 17 FT LOT 10 JAMES M TURNERS SUB OF E 1/2 OF BLOCK 56 Property Address: NO STREET FRONTAGE LANSING MI

33-01-01-09-430-291
LOT 38 ASSESSORS PLAT NO 30 OF BLOCK 19 ORIG PLAT Property Address: 1025 N LARCH ST LANSING MI

33-01-01-10-132-101
LOT 251 & N 1/2 LOT 252 HIGHLAND PARK
Property Address: 1620 MASSACHUSETTS AVE LANSING MI

33-01-01-10-153-201
E 40 FT LOTS 27 & 28 BLOCK 3 HANDY HOME ADD Property Address: DRURY LANE LANSING MI

33-01-01-10-154-031
LOT 26 & S 8 FT LOT 27 BLOCK 1 HANDY HOME ADD Property Address: 1546 N HIGH ST LANSING MI

33-01-01-10-177-042
S 11 FT OF LOT 130 HIGHLAND PARK
Property Address: NEW YORK AVE LANSING MI

33-01-01-10-177-171
LOT 201 HIGHLAND PARK
Property Address: MASSACHUSETTS AVE LANSING MI

33-01-01-10-328-041
LOT 33 FARRANDS ADD
Property Address: 1132 FARRAND ST LANSING MI

33-01-01-10-353-201
LOT 21 YOUNG, STABLER AND YOUNGS EAST PARK ADD Property Address: 725 EAST PARK TERRACE LANSING MI

33-01-01-10-354-301
LOT 16 WILEYS SUB REC L 1 P33 Property Address: 908 MAY ST LANSING MI

33-01-01-10-376-171
LOT 10 THE METLIN ADD
Property Address: 813 JOHNSON AVE LANSING MI

33-01-01-14-107-260
N 3 FT LOT 10; COLUMBIA PARK Property Address: VINE ST LANSING MI

33-01-01-14-358-451
LOT 72 LANSING ADDITION COMPANYS SUB REC L 5 P 20
Property Address: S MAGNOLIA AVE LANSING MI

33-01-01-14-359-411
LOT 154 LANSING ADDITION COMPANYS SUB REC L 5 P 20 Property Address: S HAYFORD AVE LANSING MI

33-01-01-14-363-032
LOT 159 LANSING ADDITION COMPANYS SUB Property Address: S HAYFORD AVE LANSING MI

33-01-01-14-363-042
LOT 160 LANSING ADDITION COMPANYS SUB Property Address: S HAYFORD AVE LANSING MI

33-01-01-14-363-052
LOT 161 LANSING ADDITION COMPANYS SUB Property Address: S HAYFORD AVE LANSING MI

33-01-01-14-363-062
LOT 162 LANSING ADDITION COMPANYS SUB Property Address: S HAYFORD AVE LANSING MI

33-01-01-14-363-072
LOT 163 LANSING ADDITION COMPANYS SUB Property Address: S HAYFORD AVE LANSING MI

33-01-01-14-377-051
LOT 198 SNYDERS SUB
Property Address: S FRANCIS AVE LANSING MI

33-01-01-14-379-121

LOT 299 & COM NW COR LOT 299, TH S TO SW COR LOT 299, W 5 FT, N TO PT 5 FT W OF BEG, E TO BEG; SNYDERS SUB
Property Address: 530 S MIFFLIN AVE LANSING MI

33-01-01-14-381-071

LOT 68 BROWNS SUB OF A PART OF OUTLOTS A AND B OF SNYDERS ADD Property Address: S FRANCIS AVE LANSING MI

33-01-01-15-302-141

W 4 1/2 R OF S 2 1/2 R LOT 9 BLOCK 6 GREEN OAK ADD Property Address: 217 HILL ST LANSING MI

33-01-01-15-302-231

E 1/2 OF S 1/2 LOT 8 & N 1 R OF E 1/2 LOT 9 BLOCK 6 GREEN OAK ADD Property Address: 210 S HOSMER ST LANSING MI

33-01-01-15-352-161

LOT 34 BLOCK 3 LANSING IMPROVEMENT COMPANYS ADD Property Address: HICKORY ST LANSING MI

33-01-01-15-376-281

LOT 8 BLOCK 2 LANSING IMPROVEMENT COMPANYS ADD Property Address: 1104 E KALAMAZOO ST LANSING MI

33-01-01-153-376-301

E 33 FT LOT 11 BLOCK 2 LANSING IMPROVEMENT COMPANYS ADD Property Address: E KALAMAZOO ST LANSING MI

33-01-01-15-383-001

BLOCK 14 LANSING IMPROVEMENT COMPANYS ADD Property Address: LARNED ST LANSING MI

33-01-01-15-485-151

LOT 46 & N 23 FT LOT 45 PAUL PARK ADD Property Address: 606 LESLIE ST LANSING MI

33-01-01-16-106-101

W 53.5 FT OF E 86.5 LOT 7 & S 1 R OF W 49.5 FT OF E 82.5 FT LOT 8 BLOCK 74 ORIG PLAT

Property Address: 618 W GENESEE ST LANSING MI

33-01-01-16-108-262

E 1 FT OF W 65 FT LOT 12 BLOCK 72 ORIG PLAT Property Address: W LAPEER ST LANSING MI

33-01-01-16-357-151

N 1/2 OF E 125 FT LOT 2 BLOCK 145 ORIG PLAT Property Address: 506 S CHESTNUT ST 1 LANSING MI

33-01-01-16-460-149

LOT 16 EXC N 24 FT, ALSO EXC S 112.45 FT BLOCK 155 ORIG PLAT Property Address: RIVER ST LANSING MI

33-01-01-17-227-251

W 1/2 LOT 5 WHITES SUB E OF BUTLER REC L 1 P 15 Property Address: 729 W SAGINAW ST LANSING MI

33-01-01-17-401-511

LOT 18 ASSESSORS PLAT NO 8
Property Address: 1235 W MICHIGAN AVE LANSING MI

33-01-01-17-403-271

S 47.75 FT LOT 1 EXC W 41.5 FT OF S 14.83 FT TAYLORS ADD Property Address: 226 S M L KING JR BLVD LANSING MI

33-01-01-17-403-291

S 36.75 FT OF E 85 FT LOT 1 BLOCK 1 KEMPFS ADD Property Address: 222 S M L KING JR BLVD LANSING MI

33-01-01-17-453-021

S 37 FT OF N 177 FT LOTS 13 & 14 MISHLERS SUB Property Address: 515 RULISON ST LANSING MI

33-01-01-20-103-151

LOT 5 SMITHS SUB REC L 7 P 28
Property Address: 2117 W MAIN ST LANSING MI

33-01-01-21-431-125

LOT 29 TORRANCE FARM ADD
Property Address: 608 BAKER ST LANSING MI

33-01-01-22-230-051

LOT 177 CITY PARK SUB
Property Address: 1005 SHEPARD ST LANSING MI

33-01-01-22-258-191

LOT 38 PARKVIEW LAND CO ADD
Property Address: 1222 LATHROP ST LANSING MI

33-01-01-22-308-121

N 2 R LOT 10 BLOCK 5 ASSESSORS PLAT NO 20 Property Address: 1437 PONTIAC ST LANSING MI

33-01-01-22-309-251

LOT 4 BLOCK 6 ASSESSORS PLAT NO 28 REC L 10 P 33 Property Address: 922 BAKER ST LANSING MI

33-01-01-22-351-131

LOT 19 BLOCK 1 ASSESSORS PLAT NO 28 REC L 10 P 33 Property Address: 1617 BAILEY ST LANSING MI

33-01-01-23-105-003

LOTS 176 THRU 180 INCL, ALSO S 1/2 LOT 175 LANSING ADDITION COMPANYS SUB REC L 5 P 20
Property Address: S HAYFORD AVE LANSING MI

33-01-01-29-226-131

LOT 2 BLOCK 2 ELMHURST SUB
Property Address: 1005 W MT HOPE AVE LANSING MI

33-01-01-29-426-081 LOT 40 LOGANCREST

Property Address: DUNLAP ST LANSING MI

33-01-01-29-426-116 LOT 35 LOGANCREST

Property Address: 916 DUNLAP ST LANSING MI

33-01-01-30-176-403

PART NW 1/4 SEC 30 COM NW COR LOT 286 ETON DOWNS NO 3 SUB, TH N 14.7 FT, E TO POINT DUE N OF NE COR LOT 285 SAID SUB, S 14.7 FT + 1- TO SAID NE COR, W TO BEG; SEC 30 T4N R2W
Property Address: NO STREET FRONTAGE LANSING MI

33-01-01-30-476-551

W 1/2 LOT 8 BLOCK 3 DEWITTS SUB Property Address: DUNLAP ST LANSING MI

33-01-01-31-478-193

W 167 FT LOT 100 ECO FARMS
Property Address: NO STREET FRONTAGE LANSING MI

33-01-01-32-302-005

LOT 341 PLEASANT GROVE SUB
Property Address: 4529 PLEASANT GROVE RD LANSING MI

33-01-01-32-352-021

LOT 85 PLEASANT GROVE SUB
Property Address: STARR AVE LANSING MI

33-01-01-32-375-001

LOT 256 PLEASANT GROVE SUB
Property Address: REO RD LANSING MI

33-01-01-32-402-122
W99.1 FT LOT 49 SUPERVISORS PLAT OF PROSPERITY FARMS NO
1
Property Address: 1124 REO RD LANSING MI

33-01-01-34-157-111
LOT 443 MAPLE HILL
Property Address: 815 JESSOP AVE LANSING MI

33-01-01-35-352-001
LOT 23 SUPERVISORS PLAT OF CULVER-DALE SUB Property
Address: WAYNE ST LANSING MI

33-01-01-35-355-051
LOT 64 SUPERVISORS PLAT OF CULVER-DALE SUB Property
Address: 2102 WORDEN ST LANSING MI

33-01-05-04-329-561
COM 794 FT W & 249.5 FT S OF CENTER POST SEC 4, TH E 130 FT,
S 3.6 FT + 1- TO N LINE LANCEN VILLAGE SOUTH NO 6, WLY 130 FT
ON N LINE SAID PLAT, N 3.6 FT + 1- TO BEG; SEC 4 T3N R2W
Property Address: ELLENDALE DR LANSING MI

PARCEL COUNT: 72

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-420

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Tom Truscott of 3333
Moores River Dr. #206, Lansing, Michigan 48911 to an At-Large position
on the Historic District Commission for a term to expire June 30, 2012;
and

WHEREAS, the Committee on Development and Planning met on
Tuesday, October 27, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council,
hereby, confirms the appointment of Tom Truscott of 3333 Moores River
Dr. #206, Lansing, Michigan 48911 to an At-Large position on the Historic
District Commission for a term to expire June 30, 2012.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-421

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michael A. and Linda McRae sought to eliminate special
assessment of \$21,068.65 for trash and debris and all associated
penalties and interest on the property tax bill of 128 E. Howe Avenue,
Lansing, Michigan 48906; and

WHEREAS, the Committee on General Services met on Monday,
October 26, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby,
denies the claim filed by Michael and Linda McRae of \$21,068.65 for a
special assessment on trash and debris and all associated penalties and
interest on the property tax bill of 128 E. Howe Ave., Lansing, Michigan
48906;

BE IT FURTHER RESOLVED that no further action is required by the City
Attorney for processing this claim.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-422

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Darrell Kennedy sought to eliminate special assessment of
\$1,549.50 for trash and debris and all associated penalties and interest
on the property tax bill of 0 E. Paulson Street, Lansing, Michigan 48912;
and

WHEREAS, the Committee on General Services met on Monday,
October 26, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby,
grants the claim filed by Darrell Kennedy of \$1,549.50 for special
assessment on trash and debris and all associated penalties and interest
on the property tax bill of 0 E. Lansing, Michigan 48912;

BE IT FURTHER RESOLVED that the City Attorney shall take the
appropriate steps to process this claim.

By Council Member Kaltenbach

Motion Failed (Council Member Quinney voting Aye)

By Council Member Wood

To reconsider the vote by which the motion failed

Motion Carried

By Council Member Wood

To amend the resolution to allow the claim

Motion Carried

The question being the motion to place an affirmative roll on the
resolution

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for
those intending to address Council on City government matters will be
collected and that only those persons who have fully completed the
form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Jeffries that all items be considered as being read in
full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk:

- i. Submitting an Application for a Public Display of Fireworks filed by Roger Bonney of Night Magic Displays on behalf of Arts Council of Greater Lansing for Silver Bells in the City to be held on November 20, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Providing notice of the Denial of an Application for a Cabaret License in the City filed by Jeff Oade of Oade's Hidden Camel located at 1210 S. Washington Ave. based upon the recommendation of the Lansing Treasury Department

RECEIVED AND PLACED ON FILE

- iii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. Sole Source Purchase; Fire Department request for Comlabs as the vendor for Emergency Alert System (EAS)/EMnet Broadcaster Packages

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Sole Source Purchase; Police Department request for VanBelkum Companies, Inc. as the vendor for iRecord Audio and Video Interview Software and Hardware Products

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. Sole Source Purchase; Police Department request for Empco, Inc. as the vendor for its 2010 Promotional Process

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the City of Lansing Public Service Department to allow for construction in the extended hours from 8 PM to 10 PM Monday through Friday and from 8 AM to 10 PM on Saturdays on Edgewood Blvd. between Washington Ave. and Cedar Street effective June 15, 2010 to October September 15, 2010

*SUSPENSION ITEM – REFERRED TO THE COMMITTEE ON GENERAL SERVICES

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing Notice of Impending Investigation regarding Walnut Hills Hospitality, LLC request to Transfer Ownership of 2008 Class C Licensed Business only, located in Escrow at 113 Pere Marquette, Lansing, MI 48912, Ingham County, from Blue Coyote Brewing Company, Inc.; Transfer Location Governmental Unit under MCL 436.1531(1) to 2874 Lake Lansing, East Lansing, MI 48823, Meridian Township, Ingham County

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Michigan Tax Tribunal Valuation Disclosure submitted on behalf of Giving Tree Farms, Inc.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ASSESSOR

- c. Application for Community Funding submitted by Old Town Neighborhood Association for its Old Town Dickens Village Event to be held December 5 & 6, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Community Funding Reporting statement submitted by Capital City African American Cultural Association for its Annual Parade and Festival held September 26, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Letter from Walter Brown, Co-Chair of Coalition Against Monitoring & Surveillance requesting a meeting to discuss residential surveillance cameras

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

MOTION OF EXCUSED ABSENCE

By Council Member Allen

To excuse Vice President Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCIL MEMBERS

City Clerk Swope announced the City General Election live results television program.

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Loretta Stanaway of 546 Armstrong Rd. spoke about the upcoming City General Election.

Ronald Kruger of 3333 Moores River Dr. spoke about the recent Committee of the Whole meeting.

Council Member Kaltenebach left the meeting.

Paula Hubbert of 2205 Beal Ave. spoke in opposition to surveillance cameras.

Walter Brown of 1310 Knollwood Ave. spoke in opposition to surveillance cameras.

Jody Washington of 521 Nantucket Dr. spoke about various city matters.

Samara Washington of 2312 Bernard St. spoke about various city matters.

John Boise of 4921 Tenny St. spoke about the upcoming City General Election.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Whitney Simpson of 3111 Plymouth Dr. spoke about voting.

Claude Beavers of 3010 Boston Blvd. spoke about the Lansing Board of Water and Light.

John Pollard of 1718 Blair St. spoke about the upcoming City General Election.

William Hubbell of 3916 Wedgewood Dr. spoke about the upcoming City General Election.

Russell Terry of 121 E. Mt. Hope Ave. spoke about the upcoming City General Election.

Steve Gochberg of 617 Leslie St. spoke about the brightness of business signs.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the upcoming City General Election and the recent Committee of the Whole meeting.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Thomas Morgan of 910 Abbot Rd., East Lansing, spoke about the upcoming City General Election.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Dennis Burdick of 518 N. Verlinden St. spoke about the upcoming City General Election.

Richard Clement of P.O. Box 26123 spoke about the upcoming City General Election.

Willy Williams of P.O. Box 11042 spoke about various city matters.

ADJOURNED TIME 10:00 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF NOVEMBER 9, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

**COUNCIL MEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Vice President Robinson announced the next 2nd Saturdays meeting for residents of the 3rd Ward. She also announced the next Averill Woods neighborhood meeting.

Council Member Wood asked residents to remember that leaves should not be blown or raked into city streets. She announced the Mid-Michigan Food Bank Drive Away Hunger event, Pilgrim Rest Baptist Church's Safety Prints event for children's identification and program for preventing underage drinking and a Retail Promotion and Sales Management Tips event at Lansing Community College. She asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to check into issues related to asphalt in the 1300 block of N. Walnut St.

Council Member Dunbar gave her condolences to the family of Chris Clark, a resident who recently passed away suddenly.

City Clerk Swope thanked everyone who made last week's General Election run smoothly. He announced a Community Mental Health forum regarding the prisoner release of the mentally ill.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, applauded city employees on their annual food drive. He stated his appreciation for the expeditious consideration of Brownfield Redevelopment Plan's 45 and 46 by the City Council. He spoke about the General Fund Status Report for 1st Quarter Fiscal Year 2010 and about the upcoming budget for Fiscal Year 2011.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1806 W. Michigan Ave.

There were no speakers for this Show Cause Hearing.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1806 W. Michigan Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

John Pollard of 1718 Blair St. spoke in opposition to Approving Brownfield Plan 45 – Old Town Temple, LLC.

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Jeffries asked that items 1a, 2a, 2b, 3a, 3b, 3c, 3d and 4a be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2009-423

BY COUNCIL MEMBER ERIC HEWITT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Girl Scouts Heart of Michigan is part of the world's premier leadership development organization for girls. The Girl Scout's mission is to provide an accepting and nurturing environment for girls and to help build character and skills for success in the real world; and

WHEREAS, in partnership with committed adult volunteers, girls develop qualities such as leadership, strong values, social conscience, and conviction about their own potential and self-worth that will serve them all their lives; and

WHEREAS, since Juliette Gordon Low first started the first Girl Scout troop in Atlanta, Georgia, in 1912, Girl Scouts' membership has grown from eighteen members to 3.4 million members throughout the United States; and

WHEREAS, Girl Scouts Heart of Michigan is guiding Michigan's girls, the leaders of tomorrow, to build purpose-filled lives. Today's Girl Scouts will become tomorrow's entrepreneurs, business executives, educators, innovators, and leaders. Girl Scouts Heart of Michigan is building the future of Michigan, one girl at a time; and

WHEREAS, it was only with the partnership of Girl Scouts Heart of Michigan and Ferguson Development that this historic move to Lansing's Old town was possible;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council is proud and happy to welcome the Lansing Regional Center of Girl Scouts' Heart of Michigan to Old Town. We wish you our sincere congratulations and best of luck to all of the board members, volunteers, staff members, and especially, to all of the girls!

By Council Member Hewitt

Motion Carried

RESOLUTION #2009-424

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
BROWNFIELD PLAN #46
Sonic Restaurant – former Governor's Inn Project

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared a Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 1000 Ramada Drive, located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on November 23, 2009 at 7:00 p.m. on Brownfield Plan #46 Sonic Restaurant – former Governor's Inn Brownfield Project under the Brownfield Redevelopment Financing Act, for property located within the boundary more particularly described as:

LOT 1 ABOOD-RAMADA SUB

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #46 and the scheduled public hearing.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-425

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Approving Brownfield Plan 45 – Old Town Temple, LLC

WHEREAS, the Brownfield Redevelopment Authority (the 'Authority') of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the 'Act') has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan 45 – Old Town Temple, LLC (the 'Plan'); and

WHEREAS, a public hearing was held by the Lansing City Council and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, after its public hearing on 10/12/2009, reviewed testimony and evidence regarding the Plan, and found that:

1. the Project Property was historically used for LOTS 5, 6 & W 1/2 LOT 4 BLOCK 15 ORIG PLAT,
2. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
3. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
4. the Project may result in new private investment of approximately \$655,400,
5. the Plan provides for the capture of property tax increment revenues due to the private investment on the site, and devotes them to repaying the Authority for its' costs associated with eligible activities it performs, and to repaying the developer for their costs associated with eligible activities they perform, in accordance with the Plan; and

WHEREAS, the Authority Board of Directors, at its meeting of 8/28/2009, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan" set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA 'Brownfield Plan 45 – Old Town Temple, LLC'.

By Council Member Jeffries

To place an affirmative roll on the resolution

By Council Member Dunbar

To recuse Council Member Dunbar for possible conflict of interest

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried (Council Member Allen voting Nay; Council Member Dunbar abstaining)

RESOLUTION #2009-426

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing Department of Public Service, in

participation with the Michigan Department of Transportation (MDOT), will be resurfacing Edgewood Blvd. between Washington Avenue and Cedar Street in the summer of 2010; and

WHEREAS, the project is listed in the approved Transportation Improvement Plan (TIP) for American Recovery and Reinvestment Act (ARRA) funding for 2010 construction; and

WHEREAS, the approximately 1.33 mile long project includes milling the existing asphalt surface and overlaying the road with an ultra-thin concrete overlay (white-topping) for which the technical specifications require pavement joints to be sawcut every four feet in a square grid pattern within a few hours of concrete placement; and

WHEREAS, the Michigan Concrete Paving Association has determined that for a routine work day sawcutting operations often continue until late night on white-topping projects; and

WHEREAS, pursuant to Section 654.07(g) of the Lansing Code of Ordinances, construction is prohibited between the hours of 8:00 PM and 7:00 AM of the following day on weekdays or at any time on weekends or holidays except for emergency work or a temporary or special permit issued pursuant to Sections 654.10 or 654.11; and

WHEREAS, the Public Service Department is requesting a waiver of the noise ordinance to complete the work according to specifications; and

WHEREAS, the Public Service Department recommends permitting concrete placing and sawcutting in the extended hours, from 8 PM to 10 PM Monday through Friday and 8 AM to 10 PM on Saturdays, between June 15, 2010 to October 15, 2010, the anticipated construction period;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on Monday, December 14, 2009, at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan Ave, in consideration of the request for issuance of a waiver of the noise ordinance to permit construction in the extended hours from 8 PM to 10 PM Monday through Friday and from 8 AM to 10 PM on Saturdays on Edgewood Blvd. between Washington Ave. and Cedar Street effective June 15, 2010 to October 15, 2010.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-427

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Old Town Neighborhood Organization has requested \$500.00 to defray costs associated with the Old Town Dicken Village Event to be held on December 5 and 6, 2009; and

WHEREAS, the Committee on General Services met on Monday, November 09, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Old Town Neighborhood Organization to defray costs associated with the Old Town Dickens Village Event to be held on December 5 and 6, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Old Town Neighborhood Organization shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors,

funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-428

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Averill Woods Neighborhood Association has requested \$500.00 to defray costs associated with the City Park/Woods Clean-Up with MSU "Into the Street" to be held on Saturday, November 14, 2009; and

WHEREAS, the Committee on General Services met on Monday, November 09, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation of \$500.00 from the Community Promotion Account to Averill Woods Neighborhood Association to defray costs associated with the City Park/Woods Clean-Up with MSU "Into the Street" to be held on Saturday, November 14, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Averill Woods Neighborhood Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-429

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

Night Magic Display on behalf of the Arts Council of Greater Lansing for a public display of fireworks for Silver Bells in the City to be held on Friday, November 20, 2009.

By Council Member Kaltenbach

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON PUBLIC SAFETY

Requiring the owner of property located at 812 Heald Pl. to Make Safe or Demolish their property within sixty days of November 9, 2009

By Council Member Allen

To recommit this item

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting a request from Troppo Lansing Incorporated to Transfer Ownership of 2009 Class C Licensed Business, located in Escrow at 225 Allegan St., from Lansing Restaurant Ventures, Inc. to Troppo Lansing Incorporated; and Transfer Location to 120 N. Washington Sq., Suite 1; and add Dance-Entertainment permit, direct connections-3, Outdoor Service (2 areas, total of 3 areas) and 2 additional bar permits (total of 3 bars)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letters from the Mayor re:
 - i. ACT-3-09 and ACT-7-09; Groesbeck Drain Easements

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. ACT-6-08 (Part B); Acquisition of Right of Way at the West Terminus of E. Howe Avenue Pump

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. ACT-22-08; Washington Blvd. and Mt. Hope Ave., Right-of-way Acquisition

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Brownfield Redevelopment Plan #46; Sonic Restaurant (Former Governor's Inn Project) located at 1000 Ramada Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Emergency Procurement; Repairs to the Tecumseh River Dr. Pump

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- vi. General Fund Status Report for 1st Quarter Fiscal Year 2010

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letters from the State of Michigan Liquor Control Commission Providing:
 - i. 15-Day Notice of an application from Supermercado La Estrellita, LLC requesting a New SDM License to be located at 2604 N. East St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Notice of a Public Hearing to be held December 2, 2009 for the purpose of hearing complaints and receiving the views of the public with respect to the administration of Michigan Liquor Control Code, Section 215(2), MCL 436.1215(2)

RECEIVED AND PLACED ON FILE

- b. Letter from General Motors Corporation requesting that the PA 198 Tax Abatement Certificates/Agreements and/or PA 328 Tax Abatement Agreements/Resolutions, and such other Agreements relating thereto be updated to reflect the transfers of same from Old GM to New GM in accordance with the Bankruptcy Court Order and Proceedings, and submitting a list of Facilities and/or Properties located in the City of Lansing

REFERRED TO THE ECONOMIC DEVELOPMENT CORPORATION AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Application for Community Funding submitted by Averill Woods Neighborhood Association for its City Park/Woods Clean-Up with Michigan State University "Into the Streets" to be held November 14, 2009

RECEIVED AND PLACED ON FILE

- d. Letter of Resignation from the Memorial Review Board submitted by John Kodeski

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCIL MEMBERS

Council Member Dunbar spoke about Michigan Works' social networking for jobs program.

Council Member Allen asked City Attorney Smith if an elected official could take office if he/she owed taxes to the city.

City Attorney Smith stated that, assuming Council Member Allen was referring to Council Member Elect Houghton, an elected official could take office after her obligations to the city have been satisfied.

Council Member Dunbar stated that the Michigan Works' social networking for jobs program takes place on Tuesdays.

Council Member Jeffries asked that reflecting individual votes in the official City Council minutes be discussed at the next Committee of the Whole meeting.

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Russell Terry of 121 E. Mt. Hope Ave. spoke about segregation.

John Pollard of 1718 Blair St. spoke about various city matters.

John Boise of 4921 Tenny St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

ADJOURNED TIME 8:29 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF NOVEMBER 16, 2009**



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Dunbar, Jeffries, Kaltenbach, Quinney, Wood

ABSENT: Council Members Hewitt and Robinson

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Jeffries

To approve the printed Council Proceedings of November 2 and 9, 2009

Motion carried

**COUNCIL MEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Wood announced the next Churchill Downs, Foster Your Neighborhood and Colonial Village neighborhood meetings. She also announced the Drive Away Hunger food drive and the Silver Bells in the City event.

Council Member Dunbar spoke about the Silver Bells in the City event and stated that the On the Boulevard Association is selling discount cards for merchants in their area.

Council President Quinney announced the annual Old News Boys event.

Council Member Dunbar spoke about Meals on Wheels volunteer needs in southwest Lansing.

City Clerk Swope gave his condolences to the family of Meryl Woodward, a former election inspector who recently passed away. He spoke about the recent Volunteers of America Hope for the Homeless event and announced the Muscular Dystrophy Association Lockup event.

COMMUNITY EVENT ANNOUNCEMENTS

Loretta Stanaway of 546 Armstrong Rd. announced that the next Park Board meeting will be held at the South Side Community Center and that there will be a public hearing regarding parks.

Jonathan Braun of 106 N. Lathrop St. announced Homeless and Poverty Awareness Week.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Clerk Swope announced that the public comment registration form(s) for

those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant, spoke about the grand finale of Lansing's sesquicentennial events. He announced the Breakfast with Santa event, Nixle's emergency text-messaging alert system and the next Mobile Food Pantry and health fair. He spoke about a report mentioning Lansing's Feed the Children program and about Averill Woods Neighborhood Association's tune up of Averill Woods.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

William Hubbell of 3916 Wedgewood Dr. spoke about an Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council.

Loretta Stanaway of 546 Armstrong Rd. spoke in support of Grant Acceptance and Transfer of Funds; Mount Hope Cemetery basin project.

Ammahad-Shekarakki of 902 W. Willow St. spoke about an Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in support of Objecting to and registering a protest to the approval of a new Specially Designated Merchant (SDM) License for King Mart to permit the sale of beer and wine at 6040 S. Martin Luther King, Jr. Blvd.

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Wood asked that items 1a, 2a, 2b, 3a, 4a, 5a, 5b, 5c, 5d, 5e and 5f be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2009-430

BY COUNCIL MEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Liquor Control Commission notified the City Council on November 5, 2009 that King Mart, LLC has submitted a request for a new Specially Designated Merchant license to permit the sale of beer and wine for consumption off the premises at the business location of 6040 S. MLK, Jr.; and

WHEREAS, the Coachlight Neighborhood Association, Arbor at

Georgetown Neighborhood Association, and On the Boulevard Business Association have raised substantial concerns regarding the proposed new SDM License and its impact on community safety, health, and welfare; and

WHEREAS, the Lansing City Council is concerned that beer and wine sales at 6040 S. MLK, Jr. would be too close in proximity to L&L Food Centers, Sky Lanes Bowling Alley, Elks Club, and Quality Dairy that hold some form of license to sell beer, wine, and/or liquor and would thwart the City's efforts to revitalize the area. Moreover, additional police patrols may be needed to prevent the anticipated increase in crime related activities including open consumption of alcohol;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, objects to and registers a protest to the approval of the new SDM License for King Mart Specially Designated Merchant license to permit the sale of beer and wine at 6040 S. MLK, Jr.

BE IT FURTHER RESOLVED that the Lansing City Clerk is requested to send a copy of this resolution to the Michigan Liquor Control Commission.

By Council Member Wood

Motion Carried

RESOLUTION #2009-431

BY COUNCIL MEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Carol Junaee Greer was born June 9, 1948 to Lauderdale and Curtis Greer in Gary, Indiana; and

WHEREAS, Carol was the oldest of nine children and the first female grandchild born in the family; and

WHEREAS, she attended elementary and middle school in Gary, Indiana until she relocated to St. Louis, Missouri, where she graduated high school in 1968; and

WHEREAS, Carol received her Bachelors of Arts Degree, while residing in Los Angeles, California, and worked as a Data Processor; and

WHEREAS, in 1984, Carol relocated to Lansing, Michigan and worked for the State of Michigan, Department of Social Services until she retired in 2000; and

WHEREAS, Carol was appointed by the Mayor to the Cable Advisory Board in August, 2000, and served for four years; and

WHEREAS, she was the creator and host of the "Carol Greer Show" and founder of "New Image", an authentic African clothing, decorations, gifts, body products, bookstore, and stationary shop; and

WHEREAS, Carol leaves behind her siblings Celestine Starks, Sharon Scott, and Kenneth Greer, Lauderdale Greer, Jr., Michael Greer, Bernetta Galloway, and Senior Chief Petty Officer, Joyce A. Williams as well as a host of nieces, nephews, and special friends;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, extends its deepest condolences to Carol Junaee Greer's family. She will be dearly missed.

By Council Member Wood

Motion Carried

RESOLUTION #2009-432

BY COUNCIL MEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Elzenia Jones was born June 27, 1924 in Clanton, Alabama

to Edna Wilson and Willie Hayes Darby; and

WHEREAS, she relocated to Lansing, Michigan, and she managed the Riverview Place banquet and dining facility owned by Union Baptist Church and was elected president of the Mother's Ministry; and

WHEREAS, "Mother" Jones enjoyed a very successful career with the Lansing Public School District as a Culinary Arts Instructor at Hill Academy; and

WHEREAS, "Mother" Jones was most proud of winning the award of "Chef of the Year, 2007" and was a member of the Capitol Area Professional Chefs and Cook's Association; and

WHEREAS, her sons, Darrell Holmes and Reverend Dr. Melvin T. Jones; her second mother, Clara Darby; her brothers, Robert Darby, Gabriel Darby, and George Darby; her sisters, Mary Darby, Diane Marbury, Earlene Barkley, and Jeanette Wens; and a host of grandchildren, great-grandchildren, nieces, special cousins, the late Congresswoman Stephanie Tubbs Jones, Barbara Walker, and Elzia G. Shelton, and many friends will lovingly cherish her memory forever; and

WHEREAS, "Mother" Jones' family and friends celebrated her life's journey on Saturday, November 7, 2009 at Union Missionary Baptist Church, 500 S. Martin Luther King, Jr. Blvd;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to express its deepest condolences to the family and friends of "Mother" Elzenia Jones. She will be truly missed!

By Council Member Wood

Motion Carried

RESOLUTION #2009-433

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Cadillac Club, Inc. to Transfer Ownership of 2008 Class C Licensed Business with Dance-Entertainment Permit, located at 1115 S. Washington Ave., Lansing, MI 48910, Ingham County from David W. Sheets to Cadillac Club, Inc.; and

WHEREAS, the Committee on General Services met on Monday, November 09, 2009 to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Cadillac Club, Inc. to Transfer Ownership of 2008 Class C Licensed Business with Dance-Entertainment Permit, located at 1115 S. Washington Ave., Lansing, MI 48910, Ingham County from David W. Sheets to Cadillac Club, Inc.;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Council Member Kaltenebach

Motion Carried

RESOLUTION #2009-434

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at 812 Heald Place, Parcel # 33-01-01-15-353-041 legally described as: Com 48 Ft N of SW Cor Lot 1, Th E 28.9 Ft N 4 Ft, E 15 Ft, N to S Line Heald Place Nwly to Pt N of Beg, S to Beg; Block 4 Lansing Improvement Company's Add is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on April 17, 2008; and

WHEREAS, a hearing was held by the Hearing Officers on August 27, 2009, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by September 24, 2009; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on August 27, 2009, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 812 Heald Place are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty days from the date of this resolution, Monday, November 16, 2009.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Allen

To place an affirmative roll on the resolution

By Council Member Allen

To amend the NOW, THEREFORE, BE IT RESOLVED clause following "November" by striking "9" and inserting "16"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

RESOLUTION #2009-435

BY THE COMMITTEE ON WAYS AND MEANS RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing owns and operates the Mount Hope Cemetery; and

WHEREAS, the Charles Fratcher Foundation Trust has awarded the City of Lansing a grant for the continued improvements in the Mount Hope Cemetery; and

WHEREAS, the grant will be used to continue the improvements to the cemetery basin project; and

WHEREAS, the grant has been received in the amount of \$44,000 as of 6/9/2009; and

WHEREAS, the cash receipt was recorded in account 410.0.765003.0 as of 6/30/2009;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the acceptance of grant monies and the appropriation from the 410 fund balance (410.0.679100.0) to be spent on the Mount Hope Cemetery basin project;

BE IT FINALLY RESOLVED that the Administration is authorized to make the necessary appropriations and transfers for the expenditure of the trust funds.

By Council Member Wood

Motion Carried

RESOLUTION #2009-436

BY THE COMMITTEE ON WAYS AND MEANS RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the Automobile Theft Prevention Grant of \$121,298.00 and that the following FY 2010 transfers be approved:

State/Federal Programs

Police

Automobile Theft Prevention Authority Grant

\$60,649.00 from Federal Revenue	273.0.543002.17096
\$60,649.00 from Local Revenue	273.0.696101.17096
\$61,195.00 to Salaries	273.343240.702000.17096
\$4,415.00 to Overtime	273.343240.708000.17096
\$47,923.00 to Fringe Benefits	273.343240.715000.17096
\$1,265.00 to Miscellaneous Operating	273.343240.741000.17096
\$6,500.00 to Equipment Rental	273.343240.745200.17096

(To appropriate federal grant renewal funding to help support a sworn detective position and an administrative position and other program functions dedicated for the prevention, investigation, recovery, and prosecution of Lansing auto theft.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-437

BY THE COMMITTEE ON WAYS AND MEANS RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the ARRA/JAG Byrne Asset Seizure Grant of \$400,000 and that the following FY 2010 transfer be approved:

State/Federal Programs

Tri-County Metro Narcotics Enforcement

2009 Recovery Asset Seizure Grant

\$400,000.00 from Federal Revenue 273.0.527001.17069
 \$400,000.00 to Sub – Contractual Services 273.343253.961743.17069

(To appropriate special JAG/Byrne grant resources under the 2009 federal economic recovery program to preserve existing fulltime positions in the drug law enforcement unit serving Ingham, Eaton, and Clinton counties. The three-year grant supports one position each from the Michigan State Police and from the Ingham County Sheriff Department.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-438

BY THE COMMITTEE ON WAYS AND MEANS
 RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the 2010-2012 Grant received of \$32,000 from the U.S. Department of Justice and that the following FY 2010 transfer be approved:

General Fund
 Police – Central Services
 Bulletproof Vests

\$16,000.00 from Uniforms 101.343221.742600.0
 \$16,000.00 to Operating Transfers Out 101.966010.991273.00032

(To transfer the 50 percent local match required, and not previously appropriated, for federal grant purchase of replacement bulletproof vests for the Lansing Police Department. The additional operating transfer conveys the match monies to the State and Federal Programs Fund.)

State/Federal Programs
 Police
 Bulletproof Vests

\$16,000.00 from Federal Revenue 273.0.527001.17750
 \$16,000.00 from GF Operating Transfer-Police 273.0.696101.17750
 \$32,000.00 to Miscellaneous Operating 273.343221.741000.17750

(To appropriate the full grant resources as awarded by the US Department of Justice to replace 50-55 bulletproof vests in the Lansing Police Department.)

By Council Member Wood

Motion Carried

ACTION ON THIS ITEM WAS DEFERRED TO THE NEXT COUNCIL MEETING

Grant Acceptance; Energy Efficiency and Conservation Block Grant

Council Member Wood asked that action on this item be delayed until the next Council Meeting.

RESOLUTION #2009-439

BY THE COMMITTEE ON WAYS AND MEANS
 RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2010 transfers be approved:

Police
 Administration

\$8,400.00 from Donations Revenue 101.0.675000.0
 \$8,400.00 to Donations/Contributions 101.343201.741880.0

(To appropriate donations for program activities advancing gang resistance education and training.)

Police
 Administration

\$8,400.00 from Donations/Contributions 101.343201.741880.0
 \$8,400.00 to Donations – Gang Resistance 101.343201.741893.0

(To reserve donations in a separate account for gang resistance education and training.)

By Council Member Wood

Motion Carried

ORDINANCES FOR INTRODUCTION

Council Member Kaltenebach, Chair of the Committee on General Services introduced:

An Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council

The Ordinance read by its title for a first time and referred to the Committee on General Services

RESOLUTION #2009-440

RESOLUTION SETTING PUBLIC HEARING
 By Council Member Kaltenebach

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 30, 2009 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council.

Interested Persons are invited to attend this Public Hearing

By Council Member Kaltenebach

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Jeffries that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

a. Letters from the City Clerk:

- i. Submitting a Draft Resolution proposing the Lansing City Council meeting schedule for 2010

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Providing notice of the placement on file of Act-3-09 and Act-7-09, proposed drainage easements from the City of Lansing by its Board of Water and Light to the Ingham County Drain Commissioner along with additional documentation required by Chapter 8, Section 403 of the City Charter and by Sections 208.8 and 208.9 of the Code of Ordinances

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. Draft Resolution to set a Public Hearing in consideration of the establishment of an Obsolete Property Rehabilitation District for property located at 1118 S. Washington Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Application for Obsolete Property Rehabilitation Exemption Certificate and Draft Resolution to set a Public Hearing in consideration thereof

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Brownfield Redevelopment Plan #47; 1118 S. Washington Ave. and Draft Resolution to set a Public Hearing in consideration thereof

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of the issuance of a permit to Bud Kouts Chevrolet Co., Inc. to allow for construction of a 23.5-foot by 60-foot manufactured office building on crawl space and concrete piling foundation, within the 100-year floodplain of the Red Cedar River

RECEIVED AND PLACED ON FILE

- b. Letter from the State of Michigan, Liquor Control Commission providing 15-Day Notice of a application from King Mart, LLC requesting a new Specially Designated Merchant (SDM) License to be located at 6040 S. Martin Luther King, Jr. Blvd.

RECEIVED AND PLACED ON FILE

- c. Letter from MetroPCS Michigan requesting that the City of Lansing not process the application for building permit that was filed with the City relative to the proposed collocation on the tower at 5405 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Michigan Tax Tribunal Counsel Conference Summary submitted on behalf of PT Partners Two, LLC & JCIM US, LLC

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE CITY TREASURER

- e. Letter from John Pollard of 1718 Blair St. submitting alleged Charter violations by Jerry Ambrose, Finance Director regarding the filing of the City of Lansing's Fiscal Year 2010 1st Quarter report

REFERRED TO THE CITY ATTORNEY

MOTION OF EXCUSED ABSENCE

By Council Member Dunbar

To excuse Council Members Hewitt and Robinson from tonight's proceedings

Motion Carried

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Randy Brown of 1146 ½ N. Pennsylvania Ave. spoke about a property located at 815 E. Grand River Ave.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Belinda Fitzpatrick of 224 S. Holmes St. spoke about an election issue.

Leo Zapata, no address given, East Lansing, spoke about government.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Jonathan Braun of 106 N. Lathrop St. spoke about homeless issues.

Michael Fuller of 813 E. Michigan Ave. spoke about homeless issues.

Ted Jones of 813 E. Michigan Ave. spoke about homeless issues.

John Bordelon of P.O. Box 14222 spoke about homeless issues.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Melissa Quon-Huber of 3340 Gingersnap Ln. spoke about a community work day.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Richard Clement of P.O. Box 26123 spoke about medical marijuana.

Nick Limber of 1321 W. Saginaw St. spoke about cable television issues.

ADJOURNED TIME 8:40 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF NOVEMBER 23, 2009**



350

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Council Member Dunbar (Arrived at 7:11 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Robinson

To approve the printed Council Proceedings of November 16, 2009

Motion carried

SPECIAL CEREMONIES

• Special Ceremonies

1. Presentation; Mayor's Drug Free Youth Task Force Mini-Grants

Guillermo Lopez of the Human Relations and Community Services Department spoke about the Committee for Drug Free Youth.

Ed Hagan of Big Brothers/Big Sisters stated that he and his organization are please to support these programs. He spoke about responsible behavior and the need for positive influences.

Jim Campbell of Otto Middle School spoke about the Proactive PALS program.

Linda Ketchum of Pleasant View Magnet School spoke about the Peer Assistance and Leadership Group. She stated that these programs have been extended through the 8th grade.

An Intern, speaking on behalf of Christine Zouaoui of Education Options at Hill spoke about the Education Options Art Group.

Linda Hough Redding of Otto Middle School spoke about the Otto Men's Association.

Council Member Dunbar arrived at the meeting at 7:11 p.m.

Sharon McWilliams of the Lansing School District spoke about students making better choices and learning positive ways and connections.

Ed Hagan stated that the Mayor's Drug Free Youth Task Force Mini-Grants are funded through the Mayor's annual golfouting. He thanked Dr. Joan Jackson Johnson of the Human Relations and Community Services Department for all of her support.

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked all of the recipients for all of their hard work.

Council Member Kaltenbach expressed his excitement over programs at Otto Middle School.

**COUNCIL MEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Wood spoke about Silver Bells in the City and thanked all of those involved in the successful event. She announced a blog where citizens can give their input on the upcoming city budget.

Council President Quinney spoke about the Silver Bells in the City event being a huge success. He announced the Old Newsboys event and wished his wife a happy 33rd anniversary.

Council Member Dunbar announced a meal for the homeless event the day after Thanksgiving at Gone Wired Café.

Council Member Wood spoke about contacting schools for vouchers related to the Old Newsboys event.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the Silver Bells in the City event and the recent Mobile Food Pantry. He announced a health fair at the Black Child and Family Institute and spoke about the Mayor's upcoming deficit elimination plan.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Brownfield Redevelopment Plan #46; Sonic Restaurant (Former Governor's Inn) Project located at 1000 Ramada Dr.

Council Member Jeffries gave a brief overview of the Public Hearing.

Ken Szymusiak of the Lansing Economic Development Corporation clarified issues related to Brownfield Redevelopment Plan #46.

William Wentworth of 9443 Bristol Rd. spoke in support of Brownfield Redevelopment Plan #46

John Pollard of 1718 Blair St. spoke in opposition to Brownfield Redevelopment Plan #46 and Lansing Recovery Zone Area Designation.

Kathi Raffone of 1221 Muskegon Ave. spoke about various legislative matters.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Brownfield Redevelopment Plan #46; Sonic Restaurant (Former Governor's Inn) Project located at 1000 Ramada Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Hewitt asked that items 1a, 2a, 3a, and 4b be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2009-441

BY COUNCIL MEMBER DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Pastor Edward A. Thomas founded Antioch Full Gospel Baptist Church in the spring of 2006, fulfilling a vision from God; and

WHEREAS, since 1994, Pastor Thomas, an ordained and licensed Baptist minister, has preached the gospel of Jesus Christ. He has been married to First Lady Crystal Thomas for over two decades, and they have been blessed with two children, Tamera and Edward; and

WHEREAS, Pastor Thomas has a passion for and seeks to save those who are lost and do not have a church for worship. He has a special anointing for the elderly and the young. Young people love the down-to-earth approach that Pastor Thomas brings to their generation; and

WHEREAS, Antioch Church is a place of empowerment where people come and experience the love and the word of God. It is a place where you can come as you are, hear the inspired word of God, and be challenged by Pastor Thomas, striving to achieve your God-given life of greatness; and

WHEREAS, focusing on the community in which it resides, Antioch is committed to being a Church that is spiritually responsive to its needs and is a place where young adults are given a platform to express their God given talents of music, dance, and audio. Persons of all ages find themselves at home at the Antioch Church; and

WHEREAS, Antioch Full Gospel Baptist Church is comprised of the following Ministries that lay the foundation of this anointed Church: *Men of Victory, Women of Worship, Youth Committed to Christ, Seasoned Citizens, Greeters and Ushers and the Audio Ministry; and*

WHEREAS, the Church extends a helping hand through its non-profit affiliate "Antioch Cares Community Development Corporation," which holds annual events such as Smiles for Christmas Bicycle Campaign, Get Healthy Now! 5k Run/Walk, Spirit and Sports Camp, Adopt a School/back to School Rally, and Adopt a Family Campaign.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate Pastor Edward A. Thomas and the Antioch Full Gospel Baptist Church on their Groundbreaking Ceremony to be held on Saturday, November 21, 2009. We wish you continued success!

By Council Member Quinney

Motion Carried

RESOLUTION #2009-442

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at 1806 W. Michigan, Parcel # 33-01-01-17-187-041 legally described as: Lot 217 McPhersons Inverness Sub is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on August 7, 2007; and

WHEREAS, a hearing was held by the Hearing Officers on August 27, 2009, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by September 24, 2009; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on October 26, 2009, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 1806 W. Michigan are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within ninety days from the date of this resolution, Monday, November 23, 2009.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Allen

Motion Carried

RESOLUTION #2009-443

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the U.S. Department of Energy awarded the City of Lansing an Energy Efficiency and Conservation Block Grant on September 30, 2009 in the amount of \$1,192,000; and

WHEREAS, no matching funds or in-kind services are required as part of the EECBG; and

WHEREAS, the grant will provide funding over a three year period to implement a variety of energy efficiency related projects, which include:

Community Center Energy Efficiency Upgrades: Energy saving upgrades will be made to Foster, Gier, and Letts Community Centers in order to achieve an average annual energy savings of 29%,

Energy Efficiency Revolving Loan Fund: A revolving loan fund will be established in order to assist private sector businesses in the City of Lansing with the initial costs of implementing energy efficiency upgrades in their facilities,

Solar Demonstration Project: In partnership with the State of Michigan the City will install a large scale solar arrays on the rooftops of the Lansing City Market, City Hall and three Community Centers that will also serve as Energy Education Resource Centers,

Community Education: A community education program will be established to raise awareness about residential energy saving measures as well as existing rebate and assessment programs available to residents,

Lansing City Market Energy Efficiency Upgrades: EECBG funds will be utilized to equip the new Lansing City Market with technologies that will significantly reduce energy use and carbon emissions from the new facility,

Fuel Cell Powered UPS: A fuel cell powered Uninterrupted Power Supply (UPS) will be installed as a replacement to the Emergency Operations Center's diesel powered back-up generators in order to power critical telecommunications services without producing emissions,

NOW, THEREFORE, BE IT RESOLVED that the Administration is authorized to accept the grant offer; and

BE IT FINALLY RESOLVED that the City of Lansing, Michigan, will accept the terms of the agreement as received from the U.S. Department of Energy, and that the City of Lansing does hereby specifically agree, but not by way of limitation, as follows:

1. That the administration is authorized to create appropriate accounts and transfer necessary funds to administer and monitor the grants;
2. To maintain satisfactory financial accounts, documents, and records to make them available to the U.S. Department of Energy for auditing at reasonable times;
3. To implement the projects and provide such funds, services, and materials as may be necessary to satisfy the terms of said agreements;
4. To authorize the Mayor of the City of Lansing to be the local authorized representative to sign documents in behalf of the City of Lansing;
5. To comply with any and all terms of said U.S. Department of Energy agreement including all terms not specifically set forth in the foregoing portion of this resolution.

By Council Member Wood

Motion Carried

NO ACTION WAS TAKEN ON THIS ITEM

Setting of City Council Meeting Dates for 2010

RESOLUTION #2009-444

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Designating Recovery Zone and Allocating Recovery Zone Facility Bond Volume Cap to the Economic Development Corporation of the City of Lansing

WHEREAS, Division B of the American Recovery and Reinvestment Act of 2009 (the "ARRA") added sections 1400U-1 through 1400U-3 to the Internal Revenue Code of 1986, as amended (the "Code"), to provide for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds (together with, Recovery Zone Economic Development Bonds, "Recovery Zone Bonds") by states and local units of government for purposes described in the ARRA; and

WHEREAS, the ARRA provides a national Recovery Zone Economic Development Bond volume cap of \$10,000,000,000 and a national Recovery Zone Facility Bond volume cap of \$15,000,000,000, all to be allocated among the states and suballocated to counties and certain large municipalities; and

WHEREAS, under the allocation formula determined by the United States Department of the Treasury, the City of Lansing (the "City") has received an allocation of \$14,821,000 in Recovery Zone Facility Bond volume cap ("Volume Cap"); and

WHEREAS, the City, in its discretion, is authorized to allocate its Volume Cap to eligible issuers for eligible costs in any reasonable manner as it shall determine in good faith; and

WHEREAS, prior to the issuance of Recovery Zone Bonds, the ARRA requires that the City make certain findings of fact and designate each area in which the proceeds of Recovery Zone Bonds are to be spent as a "Recovery Zone," as described in the ARRA; and

WHEREAS, the City of Lansing will not be guaranteeing the Recovery Zone Facility Bonds and will have absolutely no obligation for its repayment; and

WHEREAS, Recovery Zone Facility Bonds will have no cost to the City or risk and there will be no impact on the City's credit or its ability to issue other types of bonds; and

WHEREAS, the bonds will be used for construction of the parking ramp and the project is covered by a Project Labor Agreement; and

WHEREAS, it is the desire of the City Council to designate the entire City as a Recovery Zone ("City of Lansing Recovery Zone Area") within the meaning of the ARRA and to allocate to The Economic Development Corporation of the City of Lansing (the "EDC") \$14,821,000 of its Recovery Zone Facility Bond allocation;

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council finds that conditions of significant poverty, unemployment, rate of home foreclosures, and general distress exist throughout the City of Lansing Recovery Zone Area, and the City Council does hereby designate all of the territory within the City of Lansing Recovery Zone Area as a Recovery Zone within the meaning of the ARRA.
2. The City Council hereby allocates \$14,821,000 of its Recovery Zone

Facility Bond allocation to the EDC for bonds to be issued by the EDC, or any entity designated by it, for the purpose of (i) financing the cost of designing, acquiring, constructing and installing certain parking facilities to be located south of Shiawassee Street, east of Grand Avenue, north of Michigan Avenue and west of the Grand River and to be owned and operated by the Christman Capital Development Company, the Accident Fund, or another private entity to provide parking primarily for the new Accident Fund headquarters, (ii) paying capitalized interest, if any, on the bonds proposed to be issued, (iii) paying the costs of credit enhancement, if any, and (iv) paying the cost of issuance therefor (collectively the "Project").

3. The City Council hereby finds that the Project is within a Recovery Zone within the meaning of 1400U-1(b) of the Code.
4. This allocation order will not exceed the City's total allocation of Volume Cap.
5. This allocation shall cease to be effective if the bonds are not issued by the EDC, or any designee thereof, for the Project with six months from the date hereof.
6. Within 10 days from the issuance of any bonds making use of the allocation, the EDC, or any designee thereof, shall file a written notice with the City that such bonds were issued and delivered, which written notice shall be accompanied by (1) a copy of the IRS Form 8038, or any successor form, filed with the Internal Revenue Service and (2) an opinion of bond counsel as to tax exempt status of such bonds.
7. All actions of the officers, agents and employees of the City that are in conformity with the purposes and intent of this resolution, whether taken heretofore or hereinafter the adoption hereof, are hereby ratified, confirmed and adopted.
8. All resolutions and parts of resolutions insofar as they conflict with this resolution are hereby rescinded.

By Council Member Robinson

To place an affirmative roll on the resolution

By Council Member Wood

To amend the resolution following the fifth WHEREAS clause by inserting:

"WHEREAS, the City of Lansing will not be guaranteeing the Recovery Zone Facility Bonds and will have absolutely no obligation for its repayment; and

WHEREAS, Recovery Zone Facility Bonds will have no cost to the City or risk and there will be no impact on the City's credit or its ability to issue other types of bonds; and

WHEREAS, the bonds will be used for construction of the parking ramp and the project is covered by a Project Labor Agreement; and"

Motion Carried by the following roll call vote

Yeas: Council Members Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

Nays: None

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Clerk Swope announced that the public comment registration form(s) for

those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the Public Service Department to allow the contractor to work in the extended hours, from 8:00 p.m. to 10:00 p.m. Monday through Friday and from 8:00 a.m. to 10:00 p.m. on Saturdays on Edgewood Blvd. (between Washington Ave. and Cedar St.) effective June 15, 2010 to October 15, 2010

RECEIVED AND PLACED ON FILE

- ii. Issuance of Bonds for 2010 Wastewater Treatment Plant Improvements

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iii. SLU-6-89; Technology Blvd. and Biotechnology Dr. accepted and designated as public streets for public street purposes

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Issuance of a Neighborhood Enterprise Zone Certificate for property located at 804 W. Ottawa St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Transfer of Funds; State/Federal Programs, Public Act 302 Training

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- vi. Proposed Crowd Control Cost Recovery Amendment to the Cabaret License Ordinance

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing notice to AHR Venture, Inc. of the rescinding of the denial order of August 5, 2009 and approving its request to Transfer Ownership of an escrowed 2009 Specially Designated Distributor license with Sunday Sales Permit and Drive-Up Window (without alcoholic beverage sales) from Rite Aid of Michigan, Inc.; cancel existing Drive-Up Window (without alcoholic beverage sales); transfer location from 3825 W. Jolly to 3333 S. Martin Luther King, Jr. Blvd., to be held in conjunction with proposed new Specially Designated Merchant licensed business at that location

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Notice from the State of Michigan Public Service Commission providing notice of a public hearing to the Electric Customers of Consumers Energy Company Case No. U-16045 to be held December 1, 2009

RECEIVED AND PLACED ON FILE

- c. Community Funding Reporting Statement filed by the Friends of Lansing's Historic Cemeteries for its 2009 Fall Cemetery Walk held September 27, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Letter from Marcus Brown on behalf of Village Summit and Fabulous Acres Neighborhood Association seeking clarification on issues pertaining to officially opening Village Summit

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT AND REFERRED TO THE CITY ATTORNEY

REMARKS BY COUNCIL MEMBERS

Vice President Robinson wished everyone a Happy Thanksgiving.

Council President Quinney stated that City Hall will be closed this Thursday and Friday in observance of the Thanksgiving holiday and that there will be no Committee of the Whole this week.

PUBLIC COMMENT**ON CITY GOVERNMENT RELATED MATTERS:**

Michael Morofsky of 1300 Woodbine Ave. spoke about City TV not showing vote totals from the City General Election.

L.W. Morrow of 3030 Paul Ave. spoke about a fuel cell program.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

John Pollard of 1718 Blair St. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city

matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Gary Andrews of 560 Brookland Blvd. spoke about the October 29, 2009 Committee of the Whole meeting.

ADJOURNED TIME 8:25 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF NOVEMBER 30, 2009**



355

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Council Member Allen

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Council Member Wood; Special Ceremony; Tribute; Recognition of World AIDS Day and extending appreciation to Lansing Area AIDS Network

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Recognition of World AIDS Day and extending appreciation to Lansing Area AIDS Network

Council Member Wood spoke about the services that the Lansing Area AIDS Network provides to the community.

Nancy English spoke about the Lansing Area AIDS Network's Red Ribbon Gala. She stated that the AIDS/HIV crisis is not over and that continued efforts are needed. She thanked the City Council and Mayor Bernero for this recognition.

Cynthia Ward gave detailed information about the Lansing Area AIDS Network's Red Ribbon Gala.

Chief Deputy City Clerk Reeves read the following resolution:

RESOLUTION #2009-445

BY COUNCIL MEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in 1983, the first case of AIDS was diagnosed in Ingham County, reported at the Lansing General Hospital. As no one in the area had any experience treating AIDS, staff had to call facilities around the country to get information on treatment afflicting those first patients; and

WHEREAS, World AIDS Day was first conceived in August 1987 by James W. Bunn and Thomas Netter, two public information officers for the Global Programme on AIDS at the World Health Organization in Geneva, Switzerland. Bunn and Netter took their idea to Dr. Jonathan Mann, Director of the Global Programme on AIDS (now known as UNAIDS). Dr. Mann liked the concept, approved it, and agreed with the recommendation that the first observance of World AIDS Day should be December 1, 1988; and

WHEREAS, in its first two years, the theme of World AIDS Day focused on children and young people. These themes were strongly criticized at the time for ignoring the fact that people of all ages may become infected with HIV and suffer from AIDS. However, the themes drew attention to the HIV/AIDS epidemic, helped alleviate some of the stigma surrounding the disease, and helped boost recognition of the problem as a family disease; and

WHEREAS, since 1985, the Lansing Area AIDS Network has been dedicated to providing emotional, psychological, and spiritual support to those affected by HIV/AIDS; promoting and advocating a lifestyle of dignity, safety, and quality for those affected by HIV/AIDS; facilitating the provision of additional legal, financial, and other services for those affected by HIV/AIDS; and providing educational materials and programs about HIV/AIDS and its prevention; and

WHEREAS, in conjunction with World AIDS day, the Lansing Area AIDS Network will host its fifth annual Red Ribbon Gala Auction and Strolling Dinner on December 4, 2009, to raise funding critical to the continuation of programs and services to people living with HIV and AIDS and those at greatest risk for HIV infection throughout Central Michigan.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its deepest appreciation to LAAN for their continued efforts in providing care and prevention services for individuals diagnosed with HIV/AIDS. Congratulations on your fifth annual Red Ribbon Gala. We wish you continued success!

By Council Member Wood

Motion Carried

**COUNCIL MEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Hewitt announced the Old Newsboys event, the Eastside Neighborhood Organization's holiday meal, the next 1st Contact meeting for residents of the 1st Ward and the Dickens Village event in Old Town.

Council Member Wood announced the Genesee Neighborhood Association's holiday potluck event along with Old Forest Neighborhood Association.

Council Member Dunbar announced the Lansing Community College's annual drag show event.

Nancy English spoke about the Lansing Community College's annual drag show event.

Council President Quinney spoke about the Old Newsboys event.

COMMUNITY EVENT ANNOUNCEMENTS

L.W. Morrow of 3030 Paul Ave. announced the upcoming Earth Day celebration.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Chief Deputy City Clerk Reeves announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the Thanksgiving Day celebration and the Mayor's Deficit Elimination Plan. He announced that Sgt. Eric Eichenberg is the City of Lansing's Employee of the Month.

Vice President Robinson asked Angie Bennett of the Finance Department about specific items in the Mayor's Deficit Elimination Plan.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council

Council Member Kaltenbach gave a brief overview of the Public Hearing.

William Hubbell of 3916 Wedgewood Dr. spoke in support of an Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council.

Ammahad-Shekarakki of 902 W. Willow St. spoke about the Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council.

Willy Williams of P.O. Box 11042 spoke about various legislative matters.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

LEGISLATIVE MATTERS**CONSENT AGENDA**

Council Member Wood asked that items 2a, 2b, 2c, 2d, and 3a be removed from the consent agenda.

RESOLUTIONS**RESOLUTION #2009-446**

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Troppo Lansing Incorporated to Transfer Ownership of 2009 Class C Licensed Business, located in escrow at 225 W. Allegan Street, from Lansing Restaurant Ventures, Inc. to Troppo Lansing Incorporated and transfer location to 120 N. Washington Square, Suite 1 and add Dance-Entertainment permit, direct connections-3, Outdoor Service (2 areas-total of 3 areas), and 2 additional bar permits (total of 3 bars); and

WHEREAS, the Committee on General Services met on Monday, November 23, 2009 to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Troppo Lansing Incorporated to Transfer Ownership of 2009 Class C Licensed Business, located in escrow at 225 W. Allegan Street, from Lansing Restaurant Ventures, Inc. to Troppo Lansing Incorporated and transfer location to 120 N. Washington Square, Suite 1 and add Dance-Entertainment permit, direct connections-3, Outdoor Service (2 areas-total of 3 areas), and 2 additional bar permits (total of 3 bars);

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-447

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Angelo Dimeo sought to eliminate special assessment of \$1,849.35 for Trash and Debris and all associated penalties and interest on the property tax bill of 2408 Dunlap, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, November 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Angelo Dimeo on special assessment for Trash and Debris of \$1,849.35 and all associated penalties and interest on the property tax bill of 2408 Dunlap, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-448

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Zachary Foster sought to eliminate special assessment of \$2,551.11 for Trash and Debris and all associated penalties and interest on the property tax bill of 4720 Ballard Road, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, November 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Zachary Foster on special assessment for Trash and Debris of \$2,551.11 and all associated penalties and interest on the property tax bill of 4720 Ballard Road, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-449

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mark Spagnuolo sought to eliminate special assessment of \$1,599.29 for Trash and Debris and all associated penalties and interest on the property tax bill of 1001 W. Saginaw Street, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, November 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim filed by Mark Spagnuolo on special assessment for Trash and Debris of \$1,599.29 and all associated penalties and interest on the property tax bill of 1001 W. Saginaw Street, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Council Member Kaltenbach

To place an affirmative roll on the resolution

By Council Member Wood

To recuse Council Member Wood for possible conflict of interest

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried (Council Member Wood abstaining)

RESOLUTION #2009-450

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, City Clerk Chris Swope submitted a recommended list of dates for the Lansing City Council meetings for 2010 to the Lansing City Council; and

WHEREAS, Mayor Virg Bernero has requested the State of the City Address to be January 25; and

WHEREAS, the Lansing City Charter requires the City Council to meet weekly at least 50 weeks a year; and

WHEREAS, the Committee of the Whole has reviewed the City Clerk's recommendations and concurs with the list of recommended meeting dates for 2010;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, approves the recommendations of City Clerk Chris Swope for Lansing City Council meeting dates for 2010 as follows:

January 7 – Thursday at 2:30 p.m., First Meeting
January 11
January 21 – Thursday at 1:30 p.m., due to Martin Luther King Day
January 25, 5:00 p.m. for the State of the City Address, location TBA
February 1, 8
February 18 – Thursday at 1:30 p.m., due to Presidents' Day

February 22
March 1, 8, 15, 22, 29
April 5, 12, 19, 26
May 3, 10, 17, 24
June 3 – Thursday at 1:30 p.m. due to Memorial Day
June 7, 14, 21, 28
July 8 – Thursday at 1:30 p.m. due to Independence Day
July 12, 19, 26
August 2, 9, 16, 23, 30
September 9 – Thursday at 1:30 p.m. due to Labor Day
September 13, 20, 27
October 4, 11, 18, 25
November 1, 8, 15, 22, 29
December 6, 13

Except as otherwise noted, all meetings will be on a Monday at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall.

BE IT FURTHER RESOLVED that the Council shall meet as a Committee of the Whole on Thursday, January 7 at 1:30 p.m.

By Council Member Robinson

To place an affirmative roll on the resolution

By Council Member Dunbar

To amend the resolution by striking "February 15" and inserting "February 18 – Thursday at 1:30 p.m., due to Presidents' Day"

Motion Carried with Council Member Jeffries voting "nay"

The question being the motion to place an affirmative roll on the resolution

Motion Carried

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS**

Chief Deputy City Clerk Reeves announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk submitting:
 - i. A copy of Canvass of Votes Cast in the City of Lansing General Election held on Tuesday, November 3, 2009

RECEIVED AND PLACED ON FILE

- ii. A request to Transfer Ownership of 2009 Resort B-Hotel Licensed Business issued under (MCL 436.1531(4) with Dance Permit, located at 6820 S Cedar St. from Lansing-Clarion Limited Partnership; Michael M. Nanosky, Receiver to CB Lansing 300 Limited Liability Partnership

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letters from the Mayor re:

- i. Fiscal Year 2010 Deficit Elimination Plan

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. An Ordinance of the City of Lansing, Michigan, to Repeal Chapter 245 of the Lansing Codified Ordinances by Eliminating the Permanent Location of the Lansing City Market

REFERRED TO THE COMMITTEE OF THE WHOLE

- iii. An Ordinance of the City of Lansing, Michigan, to Amend Chapter 608, Section 608.04 of the Lansing Codified Ordinances by Providing for the Sale of Alcoholic Beverages at the City Market

REFERRED TO THE COMMITTEE OF THE WHOLE

- iv. An Ordinance of the City of Lansing, Michigan, to Amend Chapter 888, Section 884.08 of the Lansing Codified Ordinances by Extending the Term until December 31, 2025

REFERRED TO THE COMMITTEE OF THE WHOLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Draft Resolution Approving Development Area Liquor License for The Restaurant Owned and Operated by Simmons Properties, LLC, at 325 City Market Drive in the City of Lansing for a liquor license pursuant to MCL 436.1521a

REFERRED TO THE COMMITTEE OF THE WHOLE

- Communications and Petitions, and Other City Related Matters:

- a. Letter from Comcast Cable providing notice of new service center hours at its Lansing Service Center on Clippert St.

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

MOTION OF EXCUSED ABSENCE

By Council Member Robinson

To excuse Council Member Allen from tonight's proceedings

Motion Carried

REMARKS BY COUNCIL MEMBERS

Council Member Jeffries asked Angie Bennett about deferred payment deductions of furlough days in the Mayor's Deficit Elimination Plan.

Angie Bennett of the Finance Department explained the deferred payment deductions of furlough days in the Mayor's Deficit Elimination Plan.

Mayor Bernero explained the deferred payment deductions of furlough days in his Deficit Elimination Plan.

Council Member Jeffries asked Angie Bennett about how the elected officials are affected by the furlough days.

Angie Bennett explained how the elected officials are affected by the furlough days.

Council Member Dunbar spoke about the deferred payment of furlough days in the Mayor's Deficit Elimination Plan.

Council member Kaltbach spoke about the deferred payment deductions of furlough days in the Mayor's Deficit Elimination Plan.

Vice President Robinson asked about the number of pay days in the month of December, 2009.

Angie Bennett explained the number of pay days in the month of December, 2009.

Council Member Dunbar spoke about the number of pay days in the months of December, 2009 and January, 2010.

Council Member Hewitt asked about the number of pay days in the months of December, 2009 and January, 2010.

Angie Bennett explained the number of pay days in the months of December, 2009 and January, 2010.

Vice President Robinson asked about City Council members' contributions to the Mayor's Deficit Elimination Plan.

Angie Bennett explained City Council members' contributions to the Mayor's Deficit Elimination Plan.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Morofsky of 1300 Woodbine Ave. spoke about City TV not showing vote totals from the City General Election.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Mary Prince of 2116 Ferrol St. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

Ted Jones of 106 Lathrop St. spoke about homelessness.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

matters.

ADJOURNED TIME 8:44 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF DECEMBER 7, 2009**



359

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by Council Member Jeffries.

PRESENT: Council Members Hewitt, Jeffries, Wood

ABSENT: Council Members Allen, Dunbar, Kaltenbach, Quinney and Robinson

A quorum was not present. The Lansing City Council allowed public comment by citizens present in the audience: Nadia Sellers, Paula Hubbert, Walter Brown, Stan Shuck, Bob Gray, John Pollard, Charlene Decker, Jason Wilkes, Michael Mercer

COUNCIL MEMBER JEFFRIES RECESSED THE MEETING AT 7:30 P.M. TO BE RECONVENED AT 7:00 P.M. ON TUESDAY, DECEMBER 8, 2009.

VICE PRESIDENT ROBINSON RECONVENED THE CITY COUNCIL MEETING AT 7:05 P.M. ON TUESDAY, DECEMBER 8, 2009.

PRESENT: Council Members Hewitt, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Council Members Allen, Dunbar and Quinney

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by Vice President Robinson

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Jeffries

To approve the printed Council Proceedings of November 23 and 30, 2009

Motion carried

**COUNCIL MEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Jeffries announced a Sunday dinner at St. Casimir Church.

Council Member Hewitt thanked those who attended the recent 1st Contact meeting for residents of the 1st Ward. He spoke about the Dickens Village event and holiday lights on poles in the 1st Ward.

Council Member Kaltenbach announced a fundraiser for Chance Collins being given by UAW Local 652.

Council Member Wood announced the 29th Annual Hispanic Christmas Symposium, a Community Mental Health program regarding the mentally ill leaving prison, and the DAFT Neighborhood Watch holiday party

potluck.

Vice President Robinson stated that the next 2nd Saturdays meeting for residents of the 3rd Ward has been canceled and the next meeting will take place in January.

City Clerk Swope stated that RSVPs were requested for the Community Mental Health program regarding the mentally ill leaving prison. He announced the Lansing Community College Gay Straight Alliance annual drag show event.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the city's United Way campaign, expressed his appreciation to the city unions regarding the Mayor's deficit elimination plan and spoke about adjustments to public safety.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

John Pollard of 1718 Blair St. spoke in support of the Memorial Review Ordinance Amendment.

Loretta Stanaway of 546 Armstrong Rd. spoke in support of a proposed public hearing regarding Tina Houghton.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in support of a proposed public hearing regarding Tina Houghton.

Bob Gray of 422 Dadson Dr. spoke in support of a proposed public hearing regarding Tina Houghton.

Willy Williams of P.O. Box 11042 spoke about a proposed public hearing regarding Tina Houghton.

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Hewitt asked that items 2a, 2b, 2c, 2d, 2e, 2f, 3a 4a and 4b be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2009-451

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

Act-22-08, Washington & Mt. Hope Avenues - Right-of-Way Acquisition

WHEREAS, the Lansing Public Service Department wishes to obtain property for public right-of-way purposes at the northwest, northeast and southwest corners of the intersection at Washington and Mt. Hope Avenues; and

WHEREAS, the additional right-of-way is necessary to facilitate the reconstruction of the intersection with improved vehicular and pedestrian facilities, including new curb and gutter alignments and new sidewalk; and

WHEREAS, the reconstruction of the intersection is planned as part of the City's approved Combined Sewer Overflow (CSO) Control Program, and the Lansing Board of Water and Light water supply improvements will be made as part of the project; and

WHEREAS, no persons will be displaced as a result of the proposed property acquisition; and

WHEREAS, due to the minimal amount of land being acquired and its longtime use as vacant land and/or parking lots adjacent to city right-of-way, none of the parcels are suspected to contain contamination and therefore the City waives environmental review; and

WHEREAS, on January 24, 2009, the City Assessor estimated the true cash value of the property to be purchased as follows:

Parcel #33-01-01-28-151-003 – 111 W. Mt. Hope Avenue:
Parcel #33-01-01-28-305-003 – 1910 S. Washington Avenue:
Parcel #33-01-01-21-455-014 – 1923 S. Washington Avenue:

WHEREAS, at its regular meeting on February 3, 2009, the Planning Board reviewed the location, character, and extent of the proposal, and found that:

- The intersection improvements will improve traffic operations in the area which will have a positive impact on character of the area,
- The property to be acquired is only of an extent necessary to accommodate the proposed improvements,
- The location of the property to be acquired is appropriate and necessary for providing new ADA compliant sidewalks, increased turning radii, improved street alignment and updated traffic signals; and

WHEREAS, on February 3, 2009, the Board voted unanimously (6-0) to recommend approval of Act-22-08, the request by the Public Service Department to obtain property at the northwest, northeast and southwest corners of the Washington and Mt. Hope intersection for right-of-way purposes; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-22-08, and the acquisition of the requested property for the additional ROW for the improvements at the corner of Washington and Mt. Hope Avenues.

BE IT FURTHER RESOLVED, the Lansing City Council hereby approves entering purchase agreements for the purpose of the acquisition by warranty deed of:

Parcel 1 – Part of 111 W. Mt. Hope Avenue (PPN: 33-01-01-28-151-003), legally described as:

A parcel of land being part of Lot 1 of Assessor's Plat No. 53 on N ½

of NW ¼ of SW ¼ of Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan, being more particularly described as: Commencing at the North ¼ of Section 28, T4N, R2W; thence S00°18'05"W, 33.00 feet along the North-South ¼ line of said Section 28; thence N89°34'29"W, 19.40 feet to the point of beginning of the following described parcel; thence S23°32'08"W, 25.00 feet along the Westerly right of way of Washington Avenue; thence N33°01'13"W, 27.55 feet; thence S89°34'29"E, 25.00 feet along the Southerly right of way of Mt. Hope Avenue to the point of beginning, being 0.007 acres, and subject to any easements or restrictions of use or record, for the sum of \$194.39.

Parcel 2 – Part of 1910 S. Washington Avenue, (PPN: 33-01-01-21-385-003), legally described as:

A parcel of land being part of Lot 6 of Park Place, Lansing, T4N, R2W, City of Lansing, Ingham County, Michigan, as recorded in Liber 1 Page 159 of plats Ingham County Records, being more particularly described as: Commencing at the South ¼ corner of Section 21, T4N, R2W; thence S89°36'25"E, 29.11 feet along the South line of said Section 21; thence North 33.00 feet; thence N89°34'29"W, 24.25 feet to the point of beginning of the following described parcel; thence continuing N89°34'29"W 35.00 feet along the Northerly right of way of Mt. Hope Avenue; thence N68°45'59"E, 40.15 feet to the Westerly right of way of Washington Avenue; thence S09°18'58"W, 15.00 feet along said Westerly right of way to the point of beginning, being 0.006 acres, and subject to any easements or restrictions of use or record,

for the sum of \$1,434.87.

\$194.39

Parcel 3 – Part of 1923 S. Washington Avenue (PPN 33-01-01-21-455-014), legally described as:

\$169.88

A parcel of land being part of Lot 9 of Reo Park Addition in the City of Lansing, Ingham County, Michigan as recorded in Liber 4, Page 13 of plats, Ingham County Records, being more particularly described as: Commencing at the South ¼ corner of Section 21, T4N, R2W; thence S89°36'25"E, 92.40 feet along the South line of said Section 21; thence N00°21'26"E, 33.00 feet to the Southwest corner of Lot 9 of said Reo Park Addition and the point of beginning of the following described parcel; thence continuing N00°21'26"E, 8.00 feet along the Easterly right of way of Washington Avenue; thence S50°57'40"E, 14.43 feet to the Northerly right of way of Mt. Hope Avenue; thence N89°36'25"W, 12.00 feet along said Northerly right of way to the point of beginning, being 0.001 acres, and subject to any easements or restrictions of use or record, for the sum of approximately \$6,200.00 in consideration. Said improvements considered would be removal of the existing asphalt pavement in the subject parking lot; and placement of 1- ½ inches of hot mix asphalt (HMA mix 013A) over the entire area bounded by the existing paved parking lot; including that paved area between the east edge of pavement (proximate the east property line), around the front of the building face to the north edge of the paved area (proximate the north property line); and from the building to the proposed concrete sidewalk.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete these transactions, subject to prior approval as to form and content by the City Attorney.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-452

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

ACT-6-08 (Part B), Acquisition of Right of Way at the west terminus

of E. Howe Avenue (including parts of parcels 33-01-01-04-251-421 and 33-01-01-04-251-451).

WHEREAS, the Public Service Department proposes to acquire two properties enable the separation of the sanitary sewer and storm systems, extension of these systems to the impacted properties and immediate vicinity, and paving of the west end of E. Howe; and

WHEREAS, the Planning Board, at its regular meeting held on May 6, 2008, voted unanimously (6-0) to recommend approval of Act-6-08; and

WHEREAS, environmental assessment of the properties was waived as the properties are currently being used as non-paved right-of-way in a residential neighborhood, and will now be used as paved right-of-way; and

WHEREAS, Parcel 1 consists of the north 37-feet of parcel 33-01-01-04-251-421, a residential parcel owned by Patricia M. Parish (taxpayer), whose address is 92600 Remus Road, Mount Pleasant, MI 48858; and

WHEREAS, the Assessor's estimate of value for Parcel 1 is \$3,595.00; and

WHEREAS, Parcel 2 consists of the south 13-feet of parcel 33-01-01-04-251-451, a residential parcel owned by Howard C. Dexter, 601 Chilson Street, Lansing, MI 48906; and

WHEREAS, the Assessor's estimate of value for Parcel 2 is \$986.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-6-08, the acquisition of property located at the west terminus of East Howe Avenue, Parcel 1, more particularly described as:

A parcel being a part of the Northeast ¼ of Section 4, T4N, R2W, City of Lansing (formerly Lansing Township), Ingham County, Michigan being more particularly described as: Commencing at the South 1/8 corner of the Northeast ¼ of Section 4; thence North 370.70 feet along the East line of the West ½ of the Northeast ¼ to the point of beginning of the following described easement; thence West 70.00 feet parallel with the South right of way line of Howe Avenue; thence North 37.00 feet parallel with said East line; thence East 70.00 feet parallel with said South right of way to the East line of the West ½ of the Northeast ¼; thence South 37.00 feet along said East line to the point of beginning.

by warranty deed, for the purchase price of Three Thousand Five Hundred Ninety-Five Dollars (\$3,595.00).

BE IT FURTHER RESOLVED, that the Lansing City Council hereby approves Act-6-08, the acquisition of property located at the west terminus of East Howe Avenue, Parcel 2, more particularly described as:

A parcel being part of the Northeast ¼ of Section 4, T2N, R2W, City of Lansing (formerly Lansing Township), Ingham County, Michigan; being more particularly described as: Commencing at the South 1/8 corner of the Northeast ¼ of said Section 4; thence North 407.70 feet along the East line of the West ½ of the Northeast ¼ to the point of beginning of the following described easement; thence West 50.00 feet parallel with the North right of way line of Howe Avenue; thence North 13.00 feet parallel to said East line; thence East 50.00 feet parallel with said North right of way; thence South 13.00 feet to the point of beginning.

by warranty deed, for the purchase price of Nine Hundred Eighty-Six Dollars (\$986.00).

BE IT FINALLY RESOLVED that the Mayor is hereby authorized to sign and execute any and all documents necessary to complete this transaction, subject to prior approval as to form and content by the City Attorney.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-453

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Neighborhood Enterprise Zone Property Tax Abatement Certificate Approval for 804 W. Ottawa St., Lansing, Michigan 48915.

WHEREAS, the proposed property is located within a Neighborhood Enterprise Zone established by resolution #503 adopted September 22, 2008; and

WHEREAS, an application was filed with the City of Lansing Clerk's Office on February 24, 2009 by Nancy Fletcher for a project located at 804 Ottawa St., Parcel Code #33-01-01-17-279-122 for 2009 out of parcels 33-01-01-17-279-802 and 33-01-01-17-279-002 for 2008 and prior, Lansing, Michigan 48915 in Neighborhood Enterprise Zone No. 23 Ottawa Butler Area, requesting a Neighborhood Enterprise Zone Certificate; and

WHEREAS, the primary use of the property will be home owner occupied housing; and

WHEREAS, the City wishes to encourage residential housing in areas that are economically distressed through the use of Public Act 147 of 1992 as amended and recognizes that use of the NEZ program is a vital resource to further the goals of creating residential opportunities and redevelopment in the City of Lansing's urban core areas and promoting new construction and rehabilitation of existing buildings for the purpose of creating unique residential housing; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council acknowledges receipt of the application filed by Nancy Fletcher, for 804 W. Ottawa St., Parcel Code #33-01-01-17-279-122, Lansing, Michigan 48915 and finds that it complies with the requirements of Public Act 147 of 1992 as amended.

BE IT FURTHER RESOLVED that City Council finds that the application meets the requirements necessary for approval of an NEZ Certificate so that it hereby approves the issuance of a Neighborhood Enterprise Zone Certificate for 804 W. Ottawa St., Parcel Code #33-01-01-17-279-122, Lansing, Michigan 48915 in Zone No. 23 for a period not to exceed 12 (twelve) years.

BE IT FINALLY RESOLVED, that the City Clerk provide three certified copies of this resolution to the Lansing Economic Development Corporation for submission of this action to the State Tax Commission.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-454

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
BROWNFIELD PLAN #47 – 1118 South Washington
BROWNFIELD PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 1118 South Washington Ave located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on January 11, 2010 at 7:00 p.m. on Brownfield Plan # 47 – 1118 South Washington Brownfield Plan Project under the Brownfield Redevelopment Financing Act, for property located within the boundary more particularly described by parcel numbers as:

33-01-01-21-179-032

E 198 FT LOT 6, ALSO N 27 FT OF E 110 FT 10 IN
LOT 7 BLOCK 195 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #47 and the scheduled public hearing.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-455

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF AN OBSOLETE PROPERTY
REHABILITATION DISTRICT
1118 South Washington Ave

WHEREAS, the owner of property located at 1118 South Washington Ave. in the City of Lansing, Michigan (the "Property") has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the "District") as enabled by Public Act 146 of 2000, the "Obsolete Property Rehabilitation Act" (the "Act"), and

WHEREAS, the owner of the Property, Tom Arnold, is the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

E 198 FT LOT 6, ALSO N 27 FT OF E 110 FT 10 IN LOT 7 BLOCK 195
ORIG PLAT and,

WHEREAS, the Act requires that before establishing a District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District.

NOW THEREFORE BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on January 11, 2010 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation District under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-456

BY THE DEVELOPMENT AND PLANNING COMMITTEE

RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF AN OBSOLETE PROPERTY
REHABILITATION EXEMPTION CERTIFICATE
1118 S. Washington Ave

WHEREAS, Tom Arnold, owner of the property located at 1118 S. Washington Ave in the City of Lansing, Michigan (the "Property") has applied to the City of Lansing for the City to approve the issuance of an Obsolete Property Rehabilitation Exemption Certificate (the "OPT Certificate"), pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (the "Act"); and

WHEREAS, the property in question of the Certificate is legally described as:

E 198 FT LOT 6, ALSO N 27 FT OF E 110 FT 10 IN LOT 7 BLOCK 195
ORIG PLAT

WHEREAS, an Obsolete Property Rehabilitation District will be established by the Lansing City Council in accordance with the act; and

WHEREAS, the Act requires that before granting a Certificate the Lansing City Council hold a public hearing in order to provide an opportunity for the applicant, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the approval of the OPT Certificate.

NOW THEREFORE BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the January 11, 2010 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation Certificate under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Council Member Jeffries

Motion Carried

**NO ACTION WAS TAKEN ON THIS ITEM – IT WILL BE
CONSIDERED AT THE NEXT COUNCIL MEETING**

Approval of the Issuance of Bonds for 2010 Wastewater Treatment
Plant Improvements

RESOLUTION #2009-457

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, North Town Neighborhood Organization has requested \$500.00 to defray costs associated with the Old Town Dickens Village event to be held on December 5 and 6, 2009; and

WHEREAS, the Committee of the Whole met on Thursday, December 3, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to North Town Neighborhood Organization to defray costs associated with the Old Town Dickens Village event to be held on December 5 and 6, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council

Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that North Town Neighborhood Organization shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Kaltenbach

Motion Carried

RESOLUTION #2009-458

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Walnut Neighborhood Organization has requested \$500.00 to defray costs associated with the Old Town Dickens Village Event to be held on December 5 and 6, 2009; and

WHEREAS, the Committee of the Whole met on Thursday, December 3, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Walnut Neighborhood Organization to defray costs associated with the Old Town Dickens Village Event to be held on December 5 and 6, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Walnut Neighborhood Organization shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Kaltenbach

Motion Carried

ORDINANCES FOR INTRODUCTION

Council Member Jeffries, Chair of the Committee on Development and Planning introduced:

An Ordinance of the City of Lansing to Amend Chapter 888, Section 884.08 of the Lansing Codified Ordinances by Extending the Term until December 31, 2030

The Ordinance was read by its title for a first time and referred to the Committee on Development and Planning

RESOLUTION #2009-459

RESOLUTION SETTING PUBLIC HEARING

By Council Member Jeffries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, December 14, 2009 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing to Amend Chapter 888, Section 884.08 of the Lansing Codified Ordinances by Extending the Term until December 31, 2030.

Interested Persons are invited to attend this Public Hearing

By Council Member Jeffries

Motion Carried

Council Member Allen, Chair of the Committee on Public Safety introduced:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 808 of the Lansing Codified Ordinances by requiring licensees to maintain the peace at the licensed premises, requiring licensees to pay the costs of city services used to maintain the peace at the licensed premises, and subjecting licensees who do not pay to revocation of their license

The Ordinance was read by its title for a first time and referred to the Committee on Public Safety

RESOLUTION #2009-460

RESOLUTION SETTING PUBLIC HEARING

By Council Member Allen

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, December 14, 2009 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to Amend Chapter 808 of the Lansing Codified Ordinances by requiring licensees to maintain the peace at the licensed premises, requiring licensees to pay the costs of city services used to maintain the peace at the licensed premises, and subjecting licensees who do not pay to revocation of their license.

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

Council Member Robinson, Vice President of the Committee of the Whole introduced:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 245, Section 245.01 of the Lansing Codified Ordinances by Changing the Permanent Location of the Lansing City Market to Riverfront Park

The Ordinance was read by its title for a first time and referred to the Committee of the Whole

RESOLUTION #2009-461

RESOLUTION SETTING PUBLIC HEARING

By Council Member Robinson

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, December 14, 2009 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to Amend Chapter 245, Section 245.01 of the Lansing Codified Ordinances by Changing the Permanent Location of the Lansing City Market to Riverfront Park.

Interested Persons are invited to attend this Public Hearing

By Council Member Jeffries

Motion Carried

Council Member Robinson, Vice President of the Committee of the Whole introduced:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 608, Section 608.04 of the Lansing Codified Ordinances by Providing for the Sale of Alcoholic Beverages at the City Market

The Ordinance was read by its title for a first time and referred to the Committee of the Whole

RESOLUTION #2009-462
RESOLUTION SETTING PUBLIC HEARING
 By Council Member Robinson

RESOLVED-BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, December 14, 2009 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to Amend Chapter 608, Section 608.04 of the Lansing Codified Ordinances by Providing for the Sale of Alcoholic Beverages at the City Market.

Interested Persons are invited to attend this Public Hearing

By Council Member Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing to Amend Chapter 1034 of the Lansing Codified Ordinances by allowing applications for the re-naming of streets to be reviewed by City Council

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Hewitt, Jeffries, Kaltenbach, Robinson, Wood

Nays: None

ORDINANCE #1147

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 1034 OF THE LANSING CODIFIED ORDINANCES BY ALLOWING APPLICATIONS FOR THE RE-NAMING OF STREETS TO BE REVIEWED BY CITY COUNCIL.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1034 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

CHAPTER 1034. NAMING AND RENAMING OF PUBLIC MEMORIALS*

1034.01. Purpose.

The purpose of this chapter is to provide a citizen board called the Memorial Review Board, to receive, review and make recommendations on proposals to name and rename public memorials and streets as memorials. The Memorial Review Board shall serve as a facilitator and shall encourage dialogue on such proposals; hold public hearings; conduct focus groups, discussions and surveys; and balance the public's sense of place, history and identity with special recognition for a particular community, leader or history.

1034.02. Definitions.

As used in this chapter:

A. "Local street" means a Lansing street right-of-way designated as a local street in the Public Service Department on "the Michigan Department of Transportation Certified Major and Local Street Designation."

B. "Major street" means a Lansing street right-of-way designated as a major street in the Public Service Department on "the Michigan Department of Transportation Certified Major and Local Street Designation."

C. "Public memorial" means a public building, park, garden, sculpture, bridge or other public structure or area, that is named and dedicated in honor and memory of a person, organization, event or other entity.

D. "Street as a memorial" means a street that is named to honor and memorialize a person, organization, event or other entity.

1034.03. Establishment of Memorial Review Board.

There is hereby established a citizens Memorial Review Board for the City, which is formed in accordance with the City Charter, Article 5, Chapter 1.

1034.04. Composition of the Memorial Review Board; terms of office; vacancies.

(a) The Memorial Review Board shall consist of eight members who are appointed by the Mayor with the advice and consent of Council. Four members shall be appointed from the City-at-large and one member shall be appointed from each of the four wards. Eligibility shall be in accordance with those qualifications for holding office set forth in Section 5-103 of the City Charter.

(b) Appointments to the Memorial Review Board representing each ward for the first term shall be for one, two and three-year terms. Thereafter, there shall be four-year terms, commencing July 1. Terms for the at-large members shall be staggered so that at least one shall expire each year. The Chairperson shall be elected annually by a majority vote of the membership of the Memorial Review Board.

1034.05. Powers and duties of the Memorial Review Board.

The Memorial Review Board shall be informed of, and review and advise upon, all matters pertaining to the naming or renaming of a public memorial, or a street as a memorial.

1034.06. Meetings of the Memorial Review Board.

(a) The Memorial Review Board shall hold regular meetings once a month, unless it has no agenda items, and shall consider applications for a public memorial on the agenda of the next regular meeting of the Memorial Review Board, when an application for naming or renaming a public memorial or a street as a memorial has been filed with the City Clerk AND FORWARDED TO THE MEMORIAL REVIEW BOARD.

(b) The business conducted by the Memorial Review Board shall be open to the public and held in compliance with Act 267 of the Public Acts of 1976, as amended, being MCL 15.261 to 15.275. Public notice of the time, date and place of such meetings shall be given in the manner required by the act.

1034.07. Compensation of the Memorial Review Board members.

The Memorial Review Board members shall not receive compensation for their service on the Memorial Review Board. Any actual reasonable and necessary expenses incurred by the Memorial Review Board and its members may be paid upon prior appropriation and approval by the City Council.

1034.08. Freedom of information.

The Memorial Review Board shall be subject to the Freedom of Information Act, Act 442 of the Public Acts of 1976, being M.C.L.A. 15.231 to 15.246.

1034.09. Procedures.

(a) Anyone proposing the naming or renaming of a public memorial or street as a memorial shall file an application with the City Clerk, ALONG WITH THE ESTIMATED COST OF MAILING NOTICE FOR NAMING OR RENAMING STREETS. The application shall contain the following information:

- (1) The proposed name and the basis and significance of the name;
 - (2) The object, site, or street that is the subject of the application;
 - (3) The current name of the object, site or street, if applicable;
 - (4) The effect of the proposed name change upon residents and businesses, if applicable;
 - (5) The projected cost to implement the application proposal, if approved; and
 - (6) Anticipated support or opposition to the application proposal.
- ~~(7) WHETHER THE APPLICATION SHOULD BE SUBMITTED BY THE CITY CLERK DIRECTLY TO CITY COUNCIL OR TO THE MEMORIAL REVIEW BOARD FOR FURTHER REVIEW AND RECOMMENDATIONS.~~

(b) The City Clerk shall, UPON RECEIPT, forward the application to the Memorial Review Board. ~~OR TO CITY COUNCIL, BASED UPON THE DESIGNATION MADE IN THE APPLICATION PURSUANT TO SUBSECTION (a)(7) upon receipt.~~

~~(c) If the application is to name or rename a street as a memorial, in addition to the requirements in subsection (a) of this section, the applicant shall also file a petition with the City Clerk within sixty (60) days of the filing of the of the application.~~

~~(1) The petition, to be valid, must support the application proposal and contain the following minimum number of signatures: if the street is a local street, the petition must be signed by not less than one percent (1%) of the registered voters of Lansing as of the date of the last general election; and if the street is a major street, the petition must be signed by not less than three percent (3%) of the registered voters of Lansing as of the date of the last general election.~~

~~(2) Within 14 days of the filing of the petition, the City Clerk shall verify the petition signatures and submit a written report to the Memorial Review Board as to the sufficiency of the petition pursuant to the requirements of this subsection (c).~~

~~(3) If the applicant fails to file a petition within the required time, containing not less than the minimum number of signatures, the application shall be deemed invalid and the Memorial Review Board shall report this fact to the City council.~~

~~(d) If the application proposes to name or rename a street as a memorial, the applicant shall be responsible for, and bear the cost of, printing and delivering, door to door to affected businesses and residences, notice of the proposed name change. The notice shall be delivered to all businesses and residences with a mailing address on the subject street and to all businesses and residences on the immediate corners of streets intersected by the subject street.~~

~~(1) The applicant shall make a reasonable effort to include in the written notice the information described in paragraph (3) of subsection (g).~~

~~(2) The notice shall also include information as prepared by the Memorial Review Board and approved as to form by the City Attorney, describing the City's process for naming and renaming a street as a memorial.~~

~~(3) The applicant shall request that an occupant of each residence or business sign a statement, in a form acceptable to the Memorial Review Board and approved by the City Attorney, acknowledging receipt of the notice. If an occupant is not available or elects not to sign the statement, the applicant shall show in writing on the statement the address of the occupant, the date and time notification was attempted, and indicate whether the occupant was not available or elected not to sign. A signature on the petition submitted by the applicant shall be considered fulfillment of this acknowledgment requirement. A copy of acknowledgments, petitions and statements of attempted notification shall be delivered to the City clerk and forwarded to the Memorial Review Board within sixty days of the filing of the application.~~

~~(e)(c) The original naming of streets in a new subdivision is not subject to the requirements of this Chapter 1034 and is governed by Chapter 1234, "Platting Procedure", and Chapter 1236, "Design Standards."~~

~~(f)(d) IF WHEN THE APPLICATION IS FORWARDED TO THE MEMORIAL REVIEW BOARD, THE BOARD SHALL, WITHIN ninety (90) days of receiving the application, the Memorial Review Board shall make a written report and recommendation to Council to approve, approve with modification, or deny the application proposal.~~

~~(g)(e) The Memorial Review Board shall notify the applicant of the ANY initial scheduled meeting to review the application. At such meeting, the Memorial Review Board shall determine how to proceed to review the application.~~

(1) The Memorial Review Board may require the applicant to provide such additional information as is determined to be necessary for the Memorial Review Board to make an informed report and recommendation and that can reasonably be produced by the applicant in a timely manner. Failure of the applicant to timely provide the information shall not relieve the Memorial Review Board of its obligation to make a report and recommendation to ~~a~~ CITY Council within ninety (90) days of its receipt of the application.

(2) The Memorial Review Board shall make a determination of the accuracy of the information presented in the application and include such determination in its report and recommendation to the City Council.

(3) The Memorial Review Board shall determine appropriate language to be included in public notices and notifications to affected parties under this chapter, subject to approval as to form by the City Attorney. At a minimum, the notices and notifications shall include the identification of the public memorial or street as a memorial to be named or renamed and the cost of such naming or renaming to the City, together with the time, date and location of any subsequently scheduled public hearings or meetings of the Memorial Review Board at which the proposed naming or renaming is to be discussed.

(4) THE CITY CLERK SHALL FORWARD AN APPLICATION TO THE CITY COUNCIL FOR ACTION UNLESS THE MEMORIAL REVIEW BOARD HAS FORWARDED A REPORT AND RECOMMENDATION AFTER (90) NINETY DAYS OF FILING.

~~(h)(F) Upon receipt of the report and recommendation of the Memorial Review Board, OR AN APPLICATION FROM THE CITY CLERK, the City Council shall schedule, within sixty (60) days, a public hearing on the application proposal. At least thirty (30) days prior to the public hearing, notification acceptable in content to the Memorial Review Board and approved as to form by the City Attorney, shall be published by the City Clerk, in a newspaper of general circulation within the City. If the proposal is to name or rename a street as a memorial, in addition to the newspaper notice, the Planning and Neighborhood Development Department shall cause to be mailed to the owners of record of properties with mailing addresses on the subject street, and on street CORNERS ~~corners~~ of all streets intersected by the subject street, notification of the proposal and the date, place and time of the public hearing, in a form acceptable to the Memorial Review Board and approved by the City Attorney.~~

~~(i)(G) City Council shall, within ninety (90) days of its receipt of the A Memorial Review Board's report and recommendation OR AN APPLICATION FROM THE CITY CLERK, APPROVE OR DENY THE NAMING OR RENAMING SOUGHT IN THE APPLICATION, affirm, affirm with modification, or deny the Memorial Review Board's recommendation. City Council may, as part of its consideration, refer the report and recommendation OR THE APPLICATION to one or more of its standing committees as it may determine appropriate. City Council action shall be by appropriate ordinance or resolution.~~

~~(j)(H) The actual naming or renaming shall be effective not later than ninety (90) days after the proposal has been adopted by City Council.~~

Section 2. All ordinances, resolutions or rules, parts of

ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Council Member Jeffries that all items be considered as being read in full and that Vice President Robinson make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. Adopting Amendments to the 2008 Action Plan for Homeless Prevention and Rapid Re-Housing (HPRP) and Community Development Block Grant - Recovery (CDBG-R)

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Z-5-2009; 610 N. Seymour St., Planning Board recommendations regarding a request by Motion Properties, Inc. to rezone the property at 610 N. Seymour St. from "DM-4" Residential district to "D-1" Professional Office district to permit the building at this location to be used for offices and upper floor residential units.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Sole Source Purchase; Public Service Department request for Northern Concrete Pipe as the vendor for 54 inch concrete pipe to reroute a storm sewer located in the parking lot of the old City Market location

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- iv. Transfer of Funds; State/Federal Programs, Justice Assistance Grant (JAG) Smart Policing Initiative

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- v. Transfer of Funds; Community Development Block Grant (CDBG) Public Improvement

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing Notice of Authorization to the City of Lansing Public Service Department and issuance of a permit to allow for the placement of a sediment dredge barrier at the drain outlet to Sycamore Creek and excavate/dredge approximately 55 cubic yards of accumulated sediment from a 140 linear foot section of the existing drainage ditch; All excavated spoils shall be immediately removed from the wetland/floodplain/floodway and trucked to the Granger Landfill for disposal; Reconstruct the Scott Woods Pond outfall to include an overflow structure, and excavate approximately 1,089 cubic yards of material to construct an overflow spillway; All excavated spoils shall be trucked to the Granger Landfill for disposal; Place riprap as need to protect the spillway from erosion

RECEIVED AND PLACED ON FILE

- b. Letter from Comcast Cable providing notice of channel lineup changes effective December 22, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- c. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Sexton Football Boosters Club, Inc. located at 102 McPherson Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Affidavit of Disclosure submitted by Lansing Police Officer Rob Forbis

REFERRED TO THE BOARD OF ETHICS

- e. Applications for Community Funding submitted by:
 - i. North Town Neighborhood Organization for its participation in the Old Town Dickens Village Event to be held December 5 & 6, 2009

RECEIVED AND PLACED ON FILE

- ii. Walnut Neighborhood Organization for its participation in the Old Town Dickens Village Event to be held December 5 & 6, 2009

RECEIVED AND PLACED ON FILE

- f. Letter of Resignation from the Park Board submitted by Tina Houghton

RECEIVED AND PLACED ON FILE

- g. Letters requesting an investigation and public hearings regarding the appointment of Tina Houghton to the Park Board and her candidacy for City Council submitted by:
 - i. Loretta Stanaway of 546 Armstrong Rd.

REFERRED TO THE COMMITTEE OF THE WHOLE AND REFERRED
TO THE CITY ATTORNEY

ii. Robert Gray of 422 Dadson Dr.

REFERRED TO THE COMMITTEE OF THE WHOLE AND REFERRED
TO THE CITY ATTORNEY

MOTION OF EXCUSED ABSENCE

By Council Member Hewitt

To excuse Council Members Allen, Dunbar and Quinney from tonight's
proceedings

Motion Carried

REMARKS BY COUNCIL MEMBERS

Council Member Hewitt stated that the Allen Street Market is open for a
short period of time.

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Tom Krug of 5195 Jet Dr. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Nick Limber of 1321 W. Saginaw St. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city
matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city
matters.

Council Member Kaltenbach left the meeting at 8:40 p.m.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

L.W. Morrow of 3030 Paul Ave. spoke about a fuel cell program.

Al Salas of 3705 W. Jolly Rd. spoke about Caesar Chavez.

ADJOURNED TIME 8:51 P.M.

CHRIS SWOPE, CITY CLERK



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF DECEMBER 14, 2009**



368

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Quinney.

PRESENT: Council Members Allen, Dunbar, Hewitt, Jeffries, Quinney, Robinson, Wood

ABSENT: Council Member Kaltenbach

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Quinney

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Robinson

To approve the printed Council Proceedings of December 7, 2009

Motion carried

SPECIAL CEREMONIES

• Special Ceremonies

1. Tribute; Recognition of Council Member Sandy Allen for her dedicated years of service to the Lansing City Council and citizens of Lansing

Vice President Robinson spoke about Council Member Allen's years of service and dedication to the City of Lansing. She thanked her for all of her hard work over the years.

City Clerk Swope read the following resolution:

RESOLUTION #2009-463

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sandy Allen is a lifelong resident of Lansing, having attended Eastern High School, Lansing Community College, and Michigan State University; and

WHEREAS, she served as the secretary to a State of Michigan Senator for fourteen years, and as the Executive Secretary at Michigan National Bank for another fourteen years; and

WHEREAS, in 1994, Sandy Allen was elected as Second Ward Council Member and served four consecutive terms, totaling 16 years; and

WHEREAS, Sandy is considered a "hands-on" council member, participating in many projects such as Habitat for Humanity, trash pick-ups, planting flowers, performing for charitable fundraisers, cleaning drains in the Second Ward with the Ingham County Drain Commissioner, purchasing and placing reindeers on the berm on Cedar Street, and mentoring youths in the Lansing School District; and

WHEREAS, Sandy has always been a strong advocate for youth and

their programs. She implemented a "Youth in Government Day" at City Hall for high school government students, a program that became enormously successful and praised by students and teachers alike; and

WHEREAS, Sandy has been a driving force for the "Southside Community Center" and rallied twice during her years on Council to establish ad-hoc committees to move forward with the Center, which cultivated in the opening of the Center on October 29, 2009; and

WHEREAS, one of the many highlights of her career was the recognition Sandy received from the Lansing Fire Department for her participation in the Lansing Fire Department Public Official Training. Sandy was honored with a presentation of a "fire helmet" on April 27, 2009 by the IAFF President Bryan Epling; and

WHEREAS, during her tenure as a council member, Sandy served as Vice President of the Lansing City Council twice and as President in 2005 as well as serving on numerous boards and committees including the Committee of Development of Planning, Committee on Public Safety, Committee on Personnel, the Planning Board, the Tri-County Commission on Aging, and the Tri-County Michigan Works; and

WHEREAS, Sandy raised three wonderful children who blessed her with five beautiful grandchildren, whom she treasures and visits as often as possible; and

WHEREAS, she is extraordinarily artistic and enjoys an array of activities including dancing, decorating, flower arranging, performing arts, and knitting; and

WHEREAS, her contributions to the City of Lansing and her Second Ward constituents are varied and numerous, upheld by a strong desire to build stable neighborhoods, maintain safety, and improve the quality of life for all Lansing residents; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, wishes to extend its deepest appreciation to Sandy Allen for her many years of dedicated service to the City of Lansing and the residents of Lansing. Her contributions during her tenure have made her an irreplaceable figure in local politics. Throughout the years, she has built meaningful relationships with staff and members, who will miss her warm, caring, and bubbly personality. We all wish you continued success in all future endeavors.

By Council Member Robinson

Motion Carried

President Quinney thanked Council Member Allen for all that she has contributed to the City of Lansing.

Council Member Allen stated that she will miss everyone and that she is starting a new chapter in her life. She said that she appreciates all of the support she has and continues to receive from the community.

2. Presentation; Certificate of Appreciation to Council President Derrick Quinney

Vice President Robinson spoke about President Quinney's hard work and dedicated leadership and stated that she appreciated all of his hard work.

President Quinney thanked his colleagues for all of their help and support

throughout the year.

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Wood announced a public hearing on the Board of Water and Light's proposed rate increases.

Council Member Allen wished everyone a merry Christmas, happy Hanukkah and New Year and stated that she hopes that 2010 is a much better year.

President Quinney spoke about Council Member Allen's politically correct statements.

Vice President Robinson announced the Churchill Downs neighborhood potluck.

Council Member Dunbar announced the Gay Men's Chorus and Sistrum holiday concert.

Council Member Allen announced the next Old Everett neighborhood meeting.

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Council Member Allen; Tribute; Recognition of Kenneth Winter for his 50 years of dedicated service to the Kiwanis Club

COMMUNITY EVENT ANNOUNCEMENTS

Carl Calille of 306 Harriet Ave. announced the City Market Day of Remembrance event.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked Council Member Allen for her years of dedicated service. He spoke about the city's United Way campaign and food drive. He announced the upcoming inauguration event. He spoke about several items on tonight's agenda including the cabaret ordinance amendment and Amendments to the 2008 Action Plan for Homeless Prevention and Rapid Re-Housing (HPRR) and Community Development Block Grant—Recovery (CDBG-R). He also mentioned that there is still no action on the snow removal ordinance.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the City of Lansing Public Service Department to allow for construction in the extended hours from 8 p.m. to 10 p.m. Monday through Friday and from 8 a.m. to 10 p.m. on Saturdays on Edgewood Blvd. between Washington Ave. and Cedar Street effective June 15, 2010 to October 15, 2010
2. In consideration of an Ordinance of the City of Lansing, Michigan to amend Chapter 888, Section 884.08, of the Lansing Codified Ordinances by extending the term until December 31, 2030
3. Inconsideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 808 of the Lansing Codified Ordinances by requiring licensees to maintain the peace at the licensed premises, requiring licensees to pay the costs of city services used to maintain the peace at the licensed premises, and subjecting licensees who do not pay to revocation of their license
4. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 245, Section 245.01 of the Lansing Codified Ordinances by Changing the Permanent Location of the Lansing City Market to Riverfront Park
5. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 608, Section 608.04 of the Lansing Codified Ordinances by Providing for the Sale of Alcoholic Beverages at the City Market

Council Member Jeffries gave a brief overview of Public Hearing #2.

Vice President Robinson gave a brief overview of Public Hearing #1, #4 and #5.

Council Member Allen gave a brief overview of Public Hearing #3.

Loretta Stanaway of 546 Armstrong Rd. spoke about the Ordinance of the City of Lansing to Amend Chapter 608, Section 608.04 of the Lansing Codified Ordinances by Providing for the Sale of Alcoholic Beverages at the City Market.

Robert Kabbe of 801 Canal St. spoke in support of the ordinance amendment for Southbrook Villas.

John Pollard of 1718 Blair St. spoke in support of changing the permanent location of the Lansing City Market to Riverfront Park and in opposition to the Noise Waiver for Edgewood Blvd. and an amendment to the cabaret ordinance.

Willy Williams of P.O. Box 11042 spoke in support of the Noise Waiver for Edgewood Blvd. and thanked Council Members Allen and Kaltenbach for their service.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the Board of Ethics appointment of Kirk Hewitt and in opposition to an amendment to the cabaret ordinance.

Stan Shuck of 818 Cooper Ave. stated concerns with the new City Market.

Christine Timmon of P.O. Box 14927 spoke about Council Member Allen.

Charles Ford of 610 W. Ottawa St. spoke about Council Members Allen and Kaltenbach.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the City of Lansing Public Service Department to allow for construction in the extended hours from 8 p.m. to 10 p.m. Monday through Friday and from 8 a.m. to 10 p.m. on Saturdays on Edgewood Blvd. between Washington Ave. and Cedar Street effective June 15, 2010 to October 15, 2010

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. In consideration of an Ordinance of the City of Lansing, Michigan to amend Chapter 883, Section 884.08, of the Lansing Codified Ordinances by extending the term until December 31, 2030

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. Inconsideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 808 of the Lansing Codified Ordinances by requiring licensees to maintain the peace at the licensed premises, requiring licensees to pay the costs of city services used to maintain the peace at the licensed premises, and subjecting licensees who do not pay to revocation of their license

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 245, Section 245.01 of the Lansing Codified Ordinances by Changing the Permanent Location of the Lansing City Market to Riverfront Park

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

5. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 608, Section 608.04 of the Lansing Codified Ordinances by Providing for the Sale of Alcoholic Beverages at the City Market

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Wood asked that items 1a, 1b, 2a, 3a, 4a, 4b, 4c, 4d, 5b and 5c be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2009-464

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, consistent with past practice, Ward Councilmembers have been permitted to recommend the person to be appointed by City Council to the Ethics Board from his or her ward; and

WHEREAS, the Ethics Board has a vacancy for the Second Ward; and

WHEREAS, Second Ward Councilmember Sandy Allen recommends to the Council Kirk Hewitt of 5026 Delbrook, Lansing, Michigan be appointed to fill the vacant Second Ward position;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, appoints Kirk Hewitt to serve as the Second Ward Representative to the Ethics Board, for a term to expire June 30, 2010.

By Council Member Allen

Motion Carried

RESOLUTION #2009-465

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Kenneth D. Winter was born November 25, 1923 and was raised on a 160 acre farm in Cayuga Co., New York; and

WHEREAS, he attended high school in Fulton, New York and graduated early at age sixteen; and

WHEREAS, until age eighteen, Kenneth helped his father care for their 300 acre farm as well as working at Nestle and Sealright factories; and

WHEREAS, Kenneth was a student at Michigan State College in 1942 when he enlisted in the U.S. Army Reserves. In March 1943, he was called to active duty and on October 15, 1944 sent with the 75th Infantry Division overseas and subsequently to France. He entered combat in the Battle of Bulge in Belgium and was discharged from service in February 1945; and

WHEREAS, concluding his call to service, Kenneth reentered Michigan State College and graduated in June of 1948, later earning a degree from AIFT in Arizona; and

WHEREAS, he worked for the City of Lansing Assessor's Office from 1949 until 1956 when he accepted a job at the State of Michigan Department of Transportation where he devoted 32 years of service, until his retirement in 1989; and

WHEREAS, after his retirement from MDOT, he worked as a Real Estate Broker with Stockwell Realty from 1989 until 2002 and operated the Glass Palace Bingo Hall from 2006 to present; and

WHEREAS, Kenneth has been a Kiwanis member since December 10, 1959 and enjoyed affiliation with Kiwanis Clubs of Colonia Village, Lansing-Everett, and South Lansing, presiding as President from 1982-1983; and

WHEREAS, as a devoted member, Kenneth received various awards: Kiwanian of the Year in 1989, Lt. Governor, Division 16, Michigan District from 1991 to 1993, and the Hixon Award in 1999;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, applaud Kenneth Winter for his 50 years of dedicated service to the Kiwanis Club and wishes him continued success.

By Council Member Allen

Motion Carried

RESOLUTION #2009-466

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF LANSING

WHEREAS, pursuant to SLU-6-89, adopted by the Lansing City Council as Resolution #349 on August 16, 1989, Michigan State University Foundation established a Research Park; and

WHEREAS, the MSU Foundation completed construction of the roadways commonly known as Technology Boulevard and Biotechnology Drive in 2009 within in the research park in accordance with SLU-6-89; and

WHEREAS, the City has already accepted the northerly portion of Technology Drive for public purposes, by Resolution #033 of 1993; and

WHEREAS, Technology Boulevard and Biotechnology Drive were constructed in accordance with City of Lansing Public Service Department design standards; and

WHEREAS, the owners of said property have offered to convey it, by deed, to the City for acceptance of said transfer and the dedications therein for public use and purpose; and

WHEREAS, the Michigan Department of Transportation required that a centerline description of the street be submitted if the street to be added to the ACT 51 Street System is not shown as part of an approved plat; and

WHEREAS, the center line of Technology Boulevard is described as:

A variable width road whose centerline is describes as being a part of Sections 25 and 36, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, described as commencing at the Southwest corner of said Section 25; thence S89°20'11"E 777.67 feet along the South line of said Section 25; thence N00°39'48"E 597.82 feet to the point of ending of existing centerline Technology Drive the point of beginning of this description; thence S51°46'01"E 179.86 feet; thence Southeasterly 649.10 feet along an arc of a 352.74 foot radius curve to the right whose central angle is 105°25'54" and whose chord bears S00°56'56"W 561.32 feet to the point of reverse curve; thence Southwesterly 491.41 feet along an arc of a 400.00 foot radius curve to the left whose central angle is 70°23'19" and whose chord bears S18°28'13"W 461.08 feet to the point of reverse curve; thence southerly 210.93 feet along an arc of a 400.00 foot radius curve to the right whose central angle is 30°12'49" and whose chord bears S01°37'02"E 208.50 feet to the point of reverse curve; thence Southeasterly 503.84 feet along an arc of a 280.00 foot radius curve the left whose central angle is 103°05'56" and whose chord bears S38°03'35"E 438.56 feet to the point of tangency; thence S89°36'33"E 265.66 feet to East line of the West ½ of the Northwest ¼ of Section 36, said centerline of road having a total length of 2305.81 feet subject to all easements and restrictions if any; and

WHEREAS, the center line of Biotechnology Drive is described as:

A 100 foot wide road whose centerline is describes as being a part of Sections 25 and part of the plat of University Park, as recorded in Liber 20 of Plats, Page 40, Ingham County records, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, described as commencing at the Southwest corner of said Section 25; thence S89°20'11"E along the South line of said Section 25 a distance of 1057.53; thence N00°39'48"E 224.56 feet to the point of beginning of this description; thence S89°36'33"E 245.33 feet to East line of the West ½ of the Northwest ¼ of Section 25, said centerline of road having a total length of 245.33 feet subject to all easements and restrictions if any; and

WHEREAS, the legal description of Technology Boulevard is:

A variable width road whose right of way is described as being a part of Sections 25 and 36, T4N, R2W, City of Lansing, Ingham County, Michigan, described as commencing at the Southwest corner of said Section 25; thence S89°20'11"E 755.96 feet along the South line of said Section 25; thence N00°39'48"E 568.71 feet to a point of on the west right of way of existing Technology Boulevard, as recorded in Liber 2053, Page 193, Ingham County records, and the point of beginning of this description; thence S52°03'20"E 180.84 feet; thence N37°56'40"E 16.00 feet; thence Southwesterly 615.17 feet along an arc of a 333.00 foot radius curve to the right whose central angle is 105°50'44" and whose chord bears S00°50'33"W 531.35 feet to the point of reverse curve; thence Southwesterly 145.68 feet along an arc of a 417.00 foot radius curve to the left whose central angle is 20°01'01" and whose chord bears S43°45'25"W 144.94 feet; thence N56°15'06"W

16.00 feet; thence Southwesterly 381.26 feet along an arc of a 433.00 foot radius curve to the left whose central angle is 50°26'56" and whose chord bears S08°31'26"W 369.06 feet to the point of reverse curve; thence Southeasterly 201.43 feet along an arc of a 367.00 foot radius curve the right whose central angle is 31°26'50" and whose chord bears S00°58'37"E 198.91 feet to the point of reverse curve; thence Southeasterly 573.76 feet along an arc of a 315.00 foot radius curve to the left whose central angle is 104°21'40" and whose chord bears S37°26'02"E 497.67 feet to the point of tangency; thence S89°36'52"E 234.96 feet to the westerly right of way line of Collins Road, said line being 33.00 feet west of the centerline thereof; thence N00°27'31"W 100.01 feet along said Westerly right of way; thence N89°36'52"W 224.48 feet; thence Northwesterly 442.13 feet along an arc of a 250.00 foot radius curve to the right whose central angle is 101°19'41" and whose chord bears N38°57'02"W 386.72 feet to the point of reverse curve; thence Northwesterly 214.73 feet along an arc of a 433.00 foot radius curve to the left whose central angle is 28°24'51" and whose chord bears N02°29'36"W 212.54 feet to the point of reverse curve; thence Northeasterly 451.36 feet along an arc of a 367.00 foot radius curve to the right whose central angle is 70°27'57" and whose chord bears N18°31'57"E 423.45 feet to the point of reverse curve; thence Northeasterly 707.51 feet along an arc of a 383.00 foot radius curve to the left whose central angle is 105°50'32" and whose chord bears N00°50'39"E 611.12 feet; thence N52°03'20"W 180.84 feet to a point of on the east right of way of existing Technology Boulevard; thence S37°56'40"W 66.00 feet to the point of beginning; and

WHEREAS, the legal description of Biotechnology Drive is described as:

A 100 foot wide road whose right of way is described as being a part of Section 25 and part of the plat of University Park, as recorded in Liber 20 of Plats, Page 40, Ingham County records, T4N, R2W, City of Lansing, Ingham County, Michigan, described as commencing at the Southwest corner of said Section 25; thence S89°20'11"E along the South line of said Section 25 a distance of 1089.73; thence N00°39'48"E 176.21 feet to the point of beginning of this description; thence S89°36'33"E 180.36 feet to westerly right of way of Collins Road, said line being 33.00 feet west of the centerline thereof; thence N00°23'27"W 100.00 feet along said Westerly right of way; thence N89°36'33"W 184.98 feet to a point on the easterly right of way of Technology Boulevard; thence Southeasterly along said right of way 100.39 feet along an arc of a 383.00 foot radius curve to the right whose central angle is 15°01'07" and whose chord bears S02°15'25"E 100.11 feet to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED that the City hereby accepts the transfer and dedicates to the public use and purpose the property commonly known as Technology Boulevard and Biotechnology Drive as described in the legal descriptions be accepted and designated as public streets for public street purposes.

BE IT FURTHER RESOLVED that Technology Boulevard and Biotechnology Drive be classified as local streets.

BE IT FINALLY RESOLVED, upon approval as to form and content of the before mentioned deeds, the City Clerk is directed to record same with the Ingham County Register of Deeds.

By Council Member Jeffries

Motion Carried

RESOLUTION #2009-467

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from The Keung 118 Investment Trust; John W. Mc Clure, Trustee to Transfer Ownership of 2009 Resort B-Hotel Licensed Business issued under (MCL 436.1531(4) with Dance Permit, located at 6820 S Cedar St., Lansing, MI 48910, Ingham County, from Lansing-Clarion Limited Partnership; Michael M. Nanosky, Receiver to CB Lansing 300 Limited Liability Partnership; and

WHEREAS, the Committee of the Whole met on Tuesday, December 8, 2009 to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from The Keung 118 Investment Trust; John W. Mc Clure, Trustee to Transfer Ownership of 2009 Resort B-Hotel Licensed Business issued under (MCL 436.1531(4) with Dance Permit, located at 6820 S Cedar St., Lansing, MI 48910, Ingham County, from Lansing-Clarion Limited Partnership; Michael M. Nanosky, Receiver to CB Lansing 300 Limited Liability Partnership;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Council Member Robinson

Motion Carried

By Council Member Wood

To reconsider the vote by which the motion carried

Motion Carried

By Council Member Wood

To amend the resolution to strike both occurrences of "48912" and insert "48910"

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

RESOLUTION #2009-468

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Resolution #2009-426 adopted by this council on November 9, 2009, a public hearing was held on Monday, December 14, 2009, in consideration of a request by the Public Service Department for issuance of a waiver of the noise ordinance for the Edgewood Blvd (between Washington Ave. and Cedar St.) resurfacing project; and

WHEREAS, the project is listed in the approved Transportation Improvement Plan (TIP) for the American Recovery and Reinvestment Act (ARRA) funding for 2010 construction; and

WHEREAS, the approximately 1.33 mile long project includes milling the existing asphalt surface and overlaying the road with an ultra-thin concrete overlay (white-topping) for which the technical specifications require pavement joints to be sawcut every four feet in a square grid pattern within a few hours of concrete placement; and

WHEREAS, the Michigan Concrete Paving Association has determined that for a routine work day sawcutting operations often continue until late night on white-topping projects; and

WHEREAS, pursuant to Section 654.07(g) of the Lansing Code of Ordinances, construction is prohibited between the hours of 8:00 PM and

7:00 AM of the following day on weekdays or at any time on weekends or holidays except for emergency work or a temporary or special permit issued pursuant to Sections 654.10 or 654.11; and

WHEREAS, the Public Service Department is requesting a waiver of the noise ordinance to complete the work according to specifications by permitting concrete placing and sawcutting in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM on Saturdays, between June 15, 2010 to October 15, 2010, the anticipated construction period.

NOW, THEREFORE, BE IT RESOLVED that City Council grant a noise waiver permit to the Public Service Department to allow the contractor to work in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and from 8:00 AM to 10:00 PM on Saturdays on Edgewood Blvd. (between Washington Ave. and Cedar St.) effective June 15, 2010 to October 15, 2010.

By Council Member Robinson

Motion Carried

RESOLUTION #2009-469

BY WAYS AND MEANS COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit the Annual Consolidated Strategy and Plan Submission (CSPS) or Action Plan in order to receive Community Development fund resources, including Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) program funds, for the fiscal year 2008-2009 (2008 Action Plan); and

WHEREAS, Congress allocated additional funds under Title XII of the American Recovery and Reinvestment Act of 2009 (Recovery Act), and HUD required that jurisdictions make a substantial amendment to their 2008 Action Plan to include the additional stimulus money; and

WHEREAS, the City of Lansing received \$898,823 for Homeless Prevention and Rapid Re-Housing (HPRP), a program providing financial assistance and services to prevent individuals and families from becoming homeless and to help those who are experiencing homelessness to be quickly re-housed and stabilized. The funds are intended to target individuals and families who would be homeless but for this assistance. The funds will provide a variety of assistance including; short-term or medium-term rental assistance and housing relocation and stabilization services, including such activities as eviction prevention, credit counseling, security or utility deposits, utility payments, moving cost assistance and case management; and

WHEREAS, the City of Lansing received \$587,391 for Community Development Block Grant -Recovery (CDBG-R, a program which enables local governments to undertake a wide range of activities intended to create suitable living environments, provide decent and affordable housing and create economic opportunities primarily for persons of low and moderate income; and

WHEREAS, pursuant to program requirements, the City has conducted a citizen participation and open review process which included the required public comment periods on the proposed plans for HPRP (12-day comment period) and CDBG-R (7-day comment period); as well as publicized the plans on the city's website for public comments; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's application and Action Plan amendment; and

WHEREAS, HUD approved the City of Lansing's substantial amendment to the 2008 Action Plan to include the HPRP and CDBG-R programs,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the amendments to its 2008 Action Plan for Homeless Prevention and Rapid Re-Housing (HPRP) and Community Development Block Grant –Recovery (CDBG-R) to implement the programs as proposed by the Ways and Means Committee;

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to provide any and all information, to act in connection with the Action Plan application and to execute all agreements, contracts and legal documents, including the Agreement between the City and the Department of Housing and Urban Development, to secure federal funding and implement the CSPS programs.

By Council Member Wood

Motion Carried

RESOLUTION #2009-470

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the Justice Assistance Grant (JAG Smart Policing Demonstration) received from the US Department Of Justice and that the following FY 2010 transfer be approved:

State/Federal Programs
Police
09 JAG Smart Policing Initiative

\$299,988.00 from Federal Revenue	273.0.527001.17808
\$23,000.00 to LPD Overtime	273.343251.708000.17808
\$2,800.00 to LPD Miscellaneous Operating	273.343251.741000.17808
\$56,146.00 to LPD Contractual Services	273.343251.743000.17808
\$218,042.00 to MSU School of Crim Justice	273.343251.960001.17808

(To appropriate the Smart Policing Initiative grant resources of the US Department of Justice for reducing violent crime, neighborhood disorder, and illegal drug commerce. The grant, a special carve-out Justice Assistance Grant which will focus on hotspot areas amid housing and vacant property distress, is designed to demonstrate the success of a similar drug market interruption project in North Carolina. Other partner agencies and groups are involved, a services coordinator will be contracted, and the MSU School of Criminal Justice will collect, process, and analyze a significant amount of data covering four different sites. The project covers the period of October 1, 2009 to September 30, 2011.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-471

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2010 transfers be approved:

State/Federal Programs
Sworn Officer Training – Public Act 302

\$ 25,092.00 from State Revenue	273.0.573010.14319
\$ 25,092.00 to Training – PA302	273.343212.747000.14319

(To provide for distribution of the second of calendar 2009 semiannual payments for the training of sworn officers in the Lansing Police Department.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-472

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2010 transfer be approved;

\$5,273.00 From CDBG Grant – Federal Grant Revenue	252.000000.535000.00000
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\$5,273.00 to CDBG Grant – Street Const/Special Assessments	252.932664.974113.04500
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(Explanation: To increase CDBG appropriation for FY 2010. Original budget was prepared with the assumption that we would be allocated \$2,189,858 in CDBG funds. However, city received \$2,195,131, a difference of \$5,273. Additional funding will be used towards Public Improvement activities.)

By Council Member Wood

Motion Carried

RESOLUTION #2009-473

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

City of Lansing
Counties of Ingham and Eaton, State of Michigan

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF A
WASTEWATER TREATMENT PLANT IMPROVEMENT
LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2010

A RESOLUTION TO PROVIDE FOR:

- Issuance of up to \$15,000,000 of combined sewer overflow bonds to finance wastewater treatment plant and combined sewer separation improvements associated with the Lansing Wastewater Treatment Plant Improvement Project;
- Approval of issuance parameters and bond form;
- Payment of bonds from lawfully available funds including revenues derived from the operation of the City's sewage disposal system;
- Pledge of limited tax full faith and credit for payment of the bonds if other revenues insufficient;
- Creation of funds for deposit of bond proceeds and payment of bonds; and
- Authorization of sale of bonds to Michigan Municipal Bond Authority.

PREAMBLE:

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to develop a final Combined Sewer Overflow Control Program (the "CSO Control Program") to be submitted to the State of Michigan acting through its Department of Natural Resources (subsequently restructured and renamed the Department of Environmental Quality and collectively hereafter referred to as the "DEQ") for approval; and

WHEREAS, by a letter dated March 9, 1992 to the City Clerk, DEQ, acting through its Supervisor of the Surface Water Quality Division, has approved the CSO Control Program submitted by the City in compliance with the NPDES Permit; and

WHEREAS, in connection with the CSO Control Program, the City and DEQ have agreed on certain Project Plan amendments authorizing

tertiary filter and clarifier improvements to the wastewater treatment plant system governed by the NPDES Permit and related to the CSO control program and the City has been issued a construction permit for such improvements; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Part 43 of Act 451, Public Acts of Michigan 1994 ("Act 451") enables a city to issue and sell bonds to finance construction of improvements required by a permit issued by the DEQ; and

WHEREAS, the City Council has stated its intention to authorize the issuance of limited tax general obligation bonds in one or more series pursuant to Act 451 in an amount not to exceed Fifteen Million and 00/100 Dollars (\$15,000,000) for the purpose of financing the improvements associated with the Lansing Wastewater Treatment Plant Improvement Project, including improvement to the tertiary filter building, the filter treatment system and secondary treatment clarifiers as further described in plans on file with the City, (collectively, the "Improvements") related to the Combined Sewer Overflow Improvements Project Plan and approved under the Tertiary Filter and Clarifier Improvement Project Plan; and

WHEREAS, plans and specifications for the Improvements have been prepared by the City's consulting engineers and submitted for approval by the DEQ and the City has received approval of the Project Plan amendments and a construction permit for the Improvements; and

WHEREAS, the City Council previously approved a Notice of Intent to Issue Bonds for Public Service Department Combined Sewer Overflow Project Resolution (the "Notice"), which, in compliance with the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), required the City Clerk to cause to be published, on Wednesday, October 14, 2009, in City Pulse, a newspaper of general circulation within the City, an official notice to electors and taxpayers of the City of Lansing of intent to issue bonds (the "Notice of Intent") which describes the bonds to be issued to finance construction of the Improvements; and

WHEREAS, Act 34 of the Public Acts of Michigan, 2001, as amended, permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an authorized officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. **The Improvements.** Pursuant to the CSO Control Program and the Tertiary Filter and Clarifier Improvement Project Plan approved by DEQ, the City shall acquire and construct the Improvements. The estimated period of usefulness of the Improvements is not less than forty (40) years.

2. **Authorized Officers.** The term "Authorized Officer" as used in this Resolution shall refer to any one of the following city officers: the Finance Director, the Chief of Staff, the Director of Public Service, the Mayor, or the City Clerk.

3. **Authorization of Bond Issuance.** A bond of the City designated "Wastewater Treatment Plant Improvement Limited Tax General Obligation Bond, Series 2010" (the "Bond"), with such changes in name as may be deemed appropriate by an Authorized Officer so long as such changes are not misleading, is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including costs incidental to the issuance, sale and delivery of the Bond. In the event the Bond is to be issued simultaneously with another bond being issued to the Authority for similar improvements under the CSO Control

Program, each Authorized Officer is authorized to have prepared a single bond and related documentation evidencing the obligation approved under this resolution and any other similar resolution of the City Council, in an aggregate maximum principal amount not to exceed the maximum principal amount authorized under this resolution and such other resolution of the City Council.

4. **Bond Details.** The Bond shall be issued in the aggregate principal sum not to exceed Fifteen Million and 00/100 Dollars (\$15,000,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DEQ and the Michigan Municipal Bond Authority (the "Authority"), pursuant to the Notice of Intent.

The Bond shall be issued in substantially the form of Appendix A, with such modifications as may be necessary to reflect changes in Bond terms or details determined by an Authorized Officer at or prior to the time of sale pursuant to authority granted by this Resolution. The Authorized Officer shall have the authority to make such changes in the form of Bond as shall be requested by the Authority, deemed reasonable by an Authorized Officer and not in conflict with the law or provisions of this Resolution. The Bond shall be in the form of a single fully-registered, nonconvertible, non-chargeable Bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, or such other date as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

The Bond shall be payable in serial principal installments on October 1 of each year beginning October 1, 2013, or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority. The schedule of serial principal installments shall be determined by an Authorized Officer at the time of sale of the Bond and approved by DEQ and the Authority. Interest on the Bond will be payable as provided under Section 5, on April 1, 2010, and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, or on such other dates as determined by an Authorized Officer at the time of the sale of the Bond and approved by the DEQ and the Authority.

The Bond or serial principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

Final determination of certain Bond details, including the Principal Amount and the dates and amounts of principal installments, shall be evidenced by execution of the purchase contract to be executed between the City and the Authority as described below.

5. **Sale of Bond, Calculation of Repayment Obligations.** The City shall sell the Bond to the Authority at par value and at an interest rate of not to exceed two and one-half percent (2.50%) per annum. The Bond shall be delivered in accordance with the delivery instructions of the Authority.

Proceeds of the sale of the Bond shall not be received in one lump sum. Rather, the Authority shall purchase principal installments of the Bond (the "Purchased Principal Installments") from the Authority as such purchases are approved by the DEQ. These Purchased Principal Installments shall be deemed to correspond to the serial principal installments contained in the Bond in direct chronological order of said serial principal installments. The City shall have no obligation to repay any serial principal installments for which the City did not receive proceeds from corresponding Purchased Principal Installments of at least a like amount.

Interest on the Bond shall only accrue on the purchased installments, and shall accrue based on the amount of and purchase date

of such installments. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding Purchased Principal Installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule acceptable to the City.

6. **Bond Register, Record of Payments.** The Bond shall be registered on the bond register maintained by the Finance Director. The Finance Director shall record on the bond register payment by the City of each installment of principal or interest or both when made and the canceled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the City of all outstanding principal of and interest on the Bond, the Authority shall deliver the Bond to the City for cancellation.

7. **Execution and Delivery.** The Bond shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or his designee.

8. **LTGO Nature of Bond.** The Bond is anticipated to be paid from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's sewage disposal system, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. The Bond shall be a limited tax general obligation of the City. As such, it shall be payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 2010, there shall be levied upon the tax rolls of the City in the manner required by law, an amount such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy.

9. **Debt Retirement Payments.** The Finance Director is authorized and directed to open a separate depository account with a bank or trust company to be designated CSO Debt Retirement Fund (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director is further authorized and directed to pay, or cause to be paid, from the Debt Retirement Fund or other available funds, all payments of principal, if any, and interest on the Bond to the Authority's depository, or in the event the Authority is no longer the owner of the Bond, to the owner of the Bond, in accordance with the requirements of the Bond. The Debt Retirement Fund may be pooled or combined with the other debt retirement funds for issues of bonds of like character as provided by the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended, or other state law.

10. **Construction Fund.** The proceeds of the Bond and the prior series of bonds issued by the City for the purposes of completing construction of the Improvements and no other moneys shall be deposited in a fund designated as the CSO Limited Tax General Obligation Bond Construction Fund (the "Construction Fund"). Said moneys shall be used solely for the purposes for which the Bond, and other bonds issued for the CSO Control Program, are issued. Any

unexpended balance of the proceeds of the sale of the Bond remaining after completion of the Improvements herein authorized may be used at the discretion of the Director of Public Service or the Interim Director of Public Service for further Improvements included in the CSO Control Program required by the NPDES Permit. Any remaining balance after such expenditure shall be used for the prepayment of installments of the Bond or the purchase of installments of the Bond at not more than the fair market value thereof.

The appropriation of moneys for "eligible" (not to exceed the maximum Principal Amount of the Bond) and "ineligible" costs of the Improvements (as those terms are defined by the Authority and DEQ) is hereby approved. Said moneys shall be used solely for the purposes of making Improvements included in the CSO Control Program required by the NPDES Permit and in the Tertiary Filter and Clarifier Improvement Project Plan approved by the DEQ, and ancillary related expenses. After completion of the Improvements and disposition of remaining proceeds, if any, of the Bond pursuant to the provisions of this section, the Construction Fund may be closed.

11. **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed. In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the City.

In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the city against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

12. **Arbitrage and Tax Covenants.** The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

13. **Approval of Documents.** The proposed form of Purchase Contract between the City and the Authority (the "Purchase Contract"), the proposed form of Issuer's Certificate to be executed by the City (the "Issuer's Certificate") and the proposed form of Supplemental Agreement among the City, the Authority and the DEQ (the "Supplemental Agreement") on file with the City Clerk are hereby approved. The Authorized Officers are hereby jointly or severally authorized to execute and deliver the Purchase Contract, the Issuer's Certificate, and the Supplemental Agreement upon completion, in the forms approved hereby with such revisions as they may determine to be necessary or desirable, permitted by law, and not materially adverse to the City.

14. **General Authority for Authorized Officers.** The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with requirements of the Authority and DEQ in connection with sale of the Bond to the Authority, including the administrative appropriation and transfer of funds related to the Bonds. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other certificates, documents, instruments, and

other papers as may be required by the Authority or DEQ or as may be otherwise necessary or convenient to effect the delivery of the Bond as set forth above.

15. **Conflicting Resolutions.** All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

By Council Member Wood

Motion Carried

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan at a Regular meeting held on Monday, December 14, 2009 at 7:00 o'clock p.m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

Chris Swope
City Clerk

APPENDIX A FORM OF BOND

R-1

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON

CITY OF LANSING
WASTEWATER TREATMENT PLANT IMPROVEMENT LIMITED
TAX
GENERAL OBLIGATION BOND, SERIES 2010

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____ Million _____ Hundred _____ Thousand and No/100 Dollars (\$_____) (the "Principal Amount") or so much thereof as shall have been advanced to the City and not prepaid or reduced pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality and the Order of Approval issued by the Department of Environmental Quality. Pursuant to the Order, the City will benefit from principal forgiveness equal to twenty-three percent of initial allowable project costs, but not to exceed \$_____ (the "Principal Forgiveness Amount"), resulting in an obligation accruing interest in accordance with the terms hereof of not to exceed \$_____ (the "Obligation Amount").

During the time funds are being drawn down by the City under this Bond, the Authority will periodically provide the City with a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided, that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced (subject to any

principal forgiveness as provided for herein), all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

The Principal Amount shall be payable on the dates and in the serial principal installment amounts set forth in Schedule A attached hereto and made a part hereof, unless prepaid or reduced prior thereto as herein provided. Interest on the Bond shall accrue only on that portion of installments of the Principal Amount which have been disbursed by the Authority and have not been forgiven pursuant to the Order (i.e., the Obligation Amount), and shall accrue from the date each said portion is delivered to the City until repaid by the City at the rate of two and a half percent (2.50%) per annum, payable on October 1, 2010 and semiannually thereafter. Principal is first payable October 1, 2013 and annually thereafter. In the event less than the Principal Amount of the Bond is disbursed by the Authority, any portion of the Principal Amount is prepaid as provided herein, or any serial principal payment becomes due before the City has received proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule which shall be presented to the City and be effective upon receipt as provided in the Purchase Contract.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, redemption premium, if any, and interest at The Bank of New York Mellon Trust Company, N.A., or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, and redemption premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise, in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserved amount established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

This Bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised and construction permits issued in connection with the Tertiary Filter and Clarifier Improvement Project Plan approved by the Michigan Department of Environmental Quality. This Bond is issued

under the provisions of Act 451, Public Acts of Michigan, 1994, as amended, and a resolution duly adopted by the City Council. This Bond is a limited tax general obligation of the City, payable as a first budget obligation from the general fund of the City, and other funds lawfully available to the City for this purpose, including revenues derived from the operation of the City's sewage disposal system and, if necessary, from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations.

This Bond is subject to redemption by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This Bond shall be registered as to principal and interest on the books of the City kept by the Finance Director and may be transferred only upon surrender of this Bond by the registered owner of record in person, or by registered owner's attorney duly authorized in writing, to the Finance Director together with a written instrument of transfer satisfactory to the Finance Director duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefore.

This Bond is payable out of the City's Debt Retirement Fund for this issue, and it is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this Bond exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this Bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of _____, 2010.

CITY OF LANSING

Countries of Ingham and Eaton
State of Michigan

By: _____
Virg Bernero
Its Mayor

(SEAL)

Countersigned

By: _____
Chris Swope, City Clerk

APPROVED AS TO FORM

City Attorney

SCHEDULE A

The following payment schedule indicates repayment by the City of Principal Amount due on this Bond. Repayment of the Principal Amount shall be made according to this schedule until the full Principal Amount disbursed to the City is repaid; provided, however, that the City shall have no obligation to repay any serial principal installment for which the City did not receive a disbursement of Principal Amount by the date such serial principal installment is due. In such an event, and in the event that less than the principal amount set forth below is disbursed by the Authority to the City, or in the event of prepayment of the Bond, the Authority shall prepare a new payment schedule which shall be effective

upon receipt by the City.

Principal Installment <u>Due on October 1</u>	Amount of Serial Principal <u>Installment</u>
---	---

\$

During the time funds are being drawn down by the City under this Bond, MMBA will periodically provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of MMBA to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing to amend Chapter 884, Section 884.08, of the Lansing Codified Ordinances by extending the term until December 31, 2030

Was read a second time by its title.

By Council Member Jeffries

To accept a substitute Ordinance for the one originally placed in the packet

Motion Carried

The Ordinance was adopted by the following roll call vote:

Yeas: Council Members Allen, Dunbar, Hewitt, Jeffries, Quinney, Robinson and Wood

Nays: None

By Council Member Jeffries

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1148

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 884, SECTION 884.08, OF THE LANSING CODIFIED ORDINANCES BY EXTENDING THE TERM UNTIL DECEMBER 31, 2030.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 884, Section 884.08, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

884.08. Southbrook Villa

(a) *Purpose.* It is acknowledged that it is a proper public purpose of the State and its political subdivisions to provide housing for its residents of low and moderate income and to encourage the

development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966, being Public Act 346 of 1966, as amended (MCL 125.1401 et seq.). The City is authorized by such act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under such act at any amount it chooses, not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for elderly persons of low and moderate income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this section for tax exemption and the service charge in lieu of taxes during the periods contemplated in this section are essential to the determination of economic feasibility of the housing development known as Southbrook Villa which has been constructed and financed in reliance upon such section and service charge.

(b) *Definitions.*

- (1) "Act" means the State Housing Development Authority Act, being Public Act 346 of 1966, as amended.
- (2) "Annual shelter rents" means the total collections during an agreed annual period from all persons occupying the 51 elderly units of the housing development representing rents for occupancy, which rental amounts shall be exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.
- (3) "Authority" means the Michigan State Housing Development Authority.
- (4) "Contract rents" is defined by the United States Department of Housing and Urban Development (HUD) in regulations promulgated pursuant to Section 8 of the United States Housing Act of 1937, amended.
- (5) "Elderly persons" means a single person who is 55 years of age or older or a household in which at least one member is 55 years of age or older.
- (6) "Housing development" means a development which contains a significant element of housing for elderly persons of low and moderate income and such elements of other housing, commercial recreational, industrial, communal and educational facilities as the authority may determine will improve the quality of the development as it relates to housing for persons of low and moderate income. For purposes of this section, the name of this development shall be Southbrook Villa.
- (7) "HUD" means the Department of Housing and Urban Development of the United States government.
- (8) "Mortgage" means a loan to be made by the authority, HUD and/or a private entity to the sponsor for the construction and/or permanent financing of the housing development.
- (9) "Sponsor" means a person or other entity with a housing development which is financed or assisted pursuant to the act. For purposes of this section, the sponsor is Southbrook Villa Limited Dividend Housing Association LLC.
- (10) "Utilities" means fuel, water, sanitary sewer and/or electrical service, which is paid for by the housing development.

(c) *Establishment of Annual Service Charge.* The 51 units of elderly housing in the housing development for persons of low and moderate income identified as Southbrook Villa and the property on they are constructed shall be exempt from all property taxes from and after the date hereof. The City, acknowledging that the sponsor and the authority, have established the economic feasibility of the housing

development in reliance upon the enactment and continuing effect of this section and upon the qualification of the 51 units of elderly housing in the housing development for exemption from all property taxes as established in this section, will accept payment of an annual service charge for public services in lieu of all property taxes as provided for herein. The sponsor upon filing a certified affidavit of the housing development's exemption with the Lansing City Assessor as provided by Section 15(a)(1) of Act No. 346 of the Public Acts of 1966, as amended (MCL 125.415(a)(1)) shall pay an annual service charge on such elderly units which shall be equal to four percent of the difference between 95 percent of annual shelter rents actually collected and utilities.

(d) *Payment of Annual Service Charge.* The service charge in lieu of taxes, as established under this section, shall be payable in the same manner as general property taxes are payable to the City, except that the annual payment shall be made on or before July 1 of the year following the year upon which such charge is calculated.

(e) *Contractual Effect.* Notwithstanding the provisions of Section 15(a) of the act to the contrary, a contract between the City and the sponsor, with the authority as third-party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes as previously described, will be effectuated by the enactment of this section.

(f) *Duration.* This section shall remain in effect until December 31, ~~2040~~ 2030, or until the housing development is no longer assisted by Section 8 of the U.S. Housing Development Act of 1937, as amended by the Housing and Community Development Act of 1974, whichever shall first occur. If the sponsor changes the scope or purpose of the 51 units of elderly housing within the development without the consent of the people of the City of Lansing, by and through its representatives, and in accordance with the requirements of the Lansing City Charter, this section shall automatically expire and be of no effect.

Commencing January 1, 2003, this Section 884.08 replaces the service charge in lieu of taxes in effect through December 31, 2002, for Southbrook Villa Limited Dividend Housing Association, the original sponsor of the housing development.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

An Ordinance of the City of Lansing to Amend Chapter 808 of the Lansing Codified Ordinances by requiring licensees to maintain the peace at the licensed premises, requiring licensees to pay the costs of city services used to maintain the peace at the licensed premises, and subjecting licensees who do not pay to revocation of their license

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Allen, Hewitt, Jeffries, Robinson and Wood

Nays: Council Members Dunbar and Quinney

ORDINANCE #1149

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 808 OF THE LANSING CODIFIED ORDINANCES BY REQUIRING LICENSEES TO MAINTAIN THE PEACE AT THE LICENSED PREMISES, REQUIRING LICENSEES TO PAY THE COSTS OF CITY SERVICES USED TO MAINTAIN THE PEACE AT THE

LICENSED PREMISES, AND SUBJECTING LICENSEES WHO DO NOT PAY TO REVOCATION OF THEIR LICENSE.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 808 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

CHAPTER 808. CABARETS*

808.01. Definitions.

As used in this chapter:

Cabaret includes any room in a hotel, restaurant, hall or other public place where music or dancing privileges or any other entertainment, except mechanical music alone, is afforded to patrons in connection with the servicing or selling of food, refreshments or merchandising.

Cabaret operator means any person operating a cabaret.

808.02. Operation; license required.

No person shall keep, maintain or operate a cabaret without first obtaining a license therefor.

808.03. License application.

An application for a license required by Section 808.02 shall be made on a form provided for such purpose by the City Clerk, setting forth a description of the place wherein it is proposed to operate a cabaret, the name of the person interested in such business and the place of residence of the applicant. Such application shall also contain an agreement by which the applicant consents and agrees that any member of the Police Department or Fire Department, inspectors of the County Health Department, inspectors of the Office of Building Safety, or other officers of the City, may enter and inspect any part of such premises, including the locked portions thereof, and shall also contain an agreement that the applicant will abide by and comply with Federal and State laws, and rules and regulations of the State Liquor Control Commission, relative to the sale of alcoholic liquors.

808.04. Examination and investigation.

Upon the filing of a license application, the City Clerk shall forward the application to the Police Department, the Fire Department, the Planning and Municipal Development Department and any other department deemed necessary to review the application.

808.05. License issuance; conditions.

No cabaret license shall be issued unless the premises for which the application is made comply with all laws and ordinances of the State and the City, and all rules and regulations of the Office of Building Safety, the Police Department and the Fire Department, and are a safe and proper place for the operation of such business.

808.06. Nonissuance of license pending payment of taxes.

No license shall be granted to any applicant who owes any personal taxes to the City or who makes use of, or contemplates the use in a cabaret of, any personal property, fixtures or effects upon which personal property taxes are owing.

808.07. License fee; expiration date.

The annual fee for each license for each place of business shall be set by resolution of Council. Every license shall expire on May 1 of each year.

808.08. License revocation.

(a) Every license issued under this chapter is revocable by the City if the licensee FAILS TO MAKE ANY PAYMENT REQUIRED BY SECTION 808.10, OR operates his or her business in violation of any OTHER of the provisions of this chapter, other ordinances of the City or State, or Federal law. Upon receiving notice of such violation, Council or its designated Hearing Officer shall set a date for hearing the alleged violation, and the licensee shall be given not less than five days written

notice of the hearing. Such notice shall:

- (1) Specify the purpose of the hearing;
- (2) Set forth the alleged violation and the date upon which it occurred;
- (3) State the date, time and place of the hearing; and
- (4) Include a statement that the licensee may present evidence and testimony and confront witnesses.

(b) The hearing shall be attended by a court reporter and a transcript shall be available for review by all parties. If a designated Hearing Officer conducts the hearing, the Hearing Officer shall forward to Council proposed findings of fact and a proposed conclusion, along with a transcript of the proceedings. Council may affirm, disaffirm or modify the Hearing Officer's proposed findings of fact and conclusion or conduct a new hearing.

(c) Such revocation shall be effective and binding on the licensee upon receipt of a notice of revocation by the licensee or his or her manager, employee or agent. Such notice shall be given by certified mail, return receipt requested, postage prepaid. Such notice shall contain a written statement of the City Clerk's or the Hearing Officer's findings and conclusions.

808.09. Responsibilities of licensees.

- (a) No licensee, by himself or herself or by another, shall operate a cabaret between the hours of 2:00 a.m. and 7:00 a.m.
- (b) No licensee, by himself or herself or by another, shall permit any gambling in a place of business or permit the placing or use of any gambling apparatus or paraphernalia in or about the premises.
- (c) No licensee licensed under the State Liquor Control Act to sell beer, wine or spirits, and also licensed hereunder, shall permit any minor under the age of 18 in or about the rooms set aside for dancing or rooms adjacent thereto.
- (d) After the hour of 11:00 p.m., music shall be controlled so that the sound therefrom will not be audible beyond 100 feet of the building in which a cabaret is located.
- (e) No alcoholic liquor shall be offered for sale after 2:00 a.m. on Sundays. Sale of spirits upon any primary, general or Municipal election day shall be made only in conformity with State law.

808.10. FAILURE TO MAINTAIN THE PEACE

(a) THE PURPOSE OF THIS SECTION IS TO ENCOURAGE LICENSEES TO TAKE RESPONSIBILITY FOR THE SAFETY OF THEIR PATRONS AND THE PUBLIC BY INSTITUTING MEASURES NECESSARY TO PREVENT VIOLENCE OR VIOLATIONS OF THE LANSING CODE OF ORDINANCES, INCLUDING, BUT NOT LIMITED TO, PART 6 AND CHAPTER 664 THEREOF, ON THE PREMISES AND TO DISCOURAGE RELIANCE ON THE CITY TO PROVIDE SUCH MEASURES BY REQUIRING, AFTER NOTICE, FOR PAYMENT FOR THE SERVICES RENDERED BY THE CITY.

(b) FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS APPLY:

CITY COSTS MEANS THE COSTS AND EXPENSES OF THE CITY INCURRED AND ARISING FROM PROVIDING OF CITY SERVICES, INCLUDING LABOR, MATERIAL, EQUIPMENT AND OTHER INCIDENTAL COSTS OF CITY SERVICES, WITH LABOR COSTS BASED ON THE NUMBER OF CITY EMPLOYEES WHO PROVIDED CITY SERVICES, THE AMOUNT OF TIME EACH CITY EMPLOYEE SPENT PROVIDING CITY SERVICES, AND THE HOURLY COST TO EMPLOY EACH OF THE CITY EMPLOYEES WHO PROVIDED CITY SERVICES, INCLUDING EITHER THEIR WAGES OR THEIR SALARY, PLUS THE COST OF PROVIDING THEIR BENEFITS.

CITY SERVICES MEANS ANY ACTIONS TAKEN BY THE CITY TO MAINTAIN THE PEACE, RESPOND TO, MITIGATE, REMEDY OR RESTORE ORDER PERTAINING TO ANY DAMAGE OR INJURY RESULTING FROM VIOLENT OR DISORDERLY BEHAVIOR OR VIOLATIONS OF THE LANSING CODE OF ORDINANCES, INCLUDING, BUT NOT LIMITED TO, PART 6 AND CHAPTER 664 THEREOF, OCCURRING ON THE PREMISES.

OCCURRENCE MEANS AN EVENT RESULTING IN CITY SERVICES. *MAINTAIN(ING) THE PEACE* MEANS ACTION(S) TO PREVENT

VIOLENT BEHAVIOR OR A VIOLATION OF THE LANSING CODE OF ORDINANCES, INCLUDING, BUT NOT LIMITED TO, PART 6 AND CHAPTER 664 THEREOF, FROM OCCURRING ON THE PREMISES. *PREMISES* MEANS THE ENTIRE LOT ON WHICH A CABARET IS LOCATED, ALL PARKING, PARKING LOTS, AND PARKING FACILITIES INTENDED FOR USE BY PATRONS OF THE CABARET, AND ALL SURROUNDING AREAS WITHIN 1500 FEET OF THE BOUNDARIES OF THE LOT ON WHICH THE CABARET IS LOCATED. (c) A LICENSEE SHALL BE RESPONSIBLE FOR MAINTAINING THE PEACE ON THE PREMISES. IF CITY SERVICES ARE RENDERED ON THE PREMISES, AND THE CHIEF OF POLICE, OR HIS OR HER DESIGNEE(S), DETERMINE THE TOTAL CITY COSTS MEET OR EXCEED AN AMOUNT ESTABLISHED BY CITY COUNCIL BY RESOLUTION IN CONJUNCTION WITH THIS CHAPTER, PURSUANT TO A POLICY TO BE PROMULGATED BY THE CHIEF OF POLICE OR HIS OR HER DESIGNEE(S), THE CITY WILL WORK WITH LICENSEES TO ADDRESS POTENTIAL VIOLATIONS OF THIS SECTION PRIOR TO PROVIDING THE CITY CLERK WITH ITEMIZED WRITTEN STATEMENTS OF THE CITY COSTS. AFTER RECEIVING THE ITEMIZED WRITTEN STATEMENTS, IF THE TOTAL SUM THEREOF MEETS OR EXCEEDS THE AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION, THE CITY CLERK SHALL SEND A WRITTEN WARNING TO THE LICENSEE AND A COPY OF THE WRITTEN WARNING TO THE CITY COUNCIL AND THE CITY ATTORNEY. THE WRITTEN WARNING SHALL BE SENT TO THE LICENSEE OR THE LICENSEE'S REGISTERED AGENT VIA CERTIFIED OR REGISTERED MAIL OR BY PERSONAL SERVICE, AND SHALL CONTAIN, AT A MINIMUM: THE DATE OR DATES OF THE OCCURRENCE, INCIDENT REPORT(S) REGARDING THE OCCURRENCE, WHICH SHALL COMPLY WITH APPLICABLE FEDERAL, STATE, AND LOCAL LAW, INCLUDING THE MICHIGAN FREEDOM OF INFORMATION ACT, BEING PUBLIC ACT 442 OF 1976, AS AMENDED, AN IDENTIFICATION OF THE PREMISES, THE OWNER OF THE PREMISES, THE OWNER OF THE CABARET LICENSE, THE STATEMENT OF CITY COSTS, AND A COPY OF THIS ORDINANCE. AFTER THE CLERK HAS SENT TWO WRITTEN WARNINGS RESULTING FROM TWO SEPARATE OCCURRENCES WITHIN 180 DAYS, THE LICENSEE SHALL BE RESPONSIBLE FOR AND REQUIRED TO REIMBURSE THE CITY FOR CITY COSTS FOR ANY AND ALL FUTURE OCCURRENCES AT THE PREMISES.

(d) AFTER TWO WRITTEN WARNINGS WITHIN 180 DAYS, FOR THE THIRD AND SUBSEQUENT OCCURRENCES FOR WHICH THE COST OF CITY SERVICES EXCEEDS THE AMOUNT DESCRIBED IN SUBSECTION (c), THE CITY CLERK SHALL SEND BY REGULAR MAIL OR VIA HAND DELIVERY TO THE LICENSEE, WITH A COPY TO CITY COUNCIL AND THE CITY ATTORNEY, A WRITTEN BILLING STATEMENT FOR THE CITY COSTS OF THE CITY SERVICE WHEN THE CITY COSTS EXCEED THE AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION, AS FORWARDED BY THE CHIEF OF POLICE, OR HIS OR HER DESIGNEE(S), FOR WHICH THE LICENSEE IS RESPONSIBLE.

(e) SHOULD THE LICENSEE FAIL TO PAY THE FULL AMOUNT BILLED IN THE CITY CLERK'S STATEMENT WITHIN 30 DAYS OF THE DATE OF ITS MAILING OR PERSONAL SERVICE TO THE LICENSEE OR THE LICENSEE'S REGISTERED AGENT, THE LICENSEE SHALL BE SUBJECT TO LICENSE REVOCATION PURSUANT TO SECTION 808.08 OF THIS CHAPTER.

(f) THIS SECTION SHALL NOT APPLY TO COMMON GROUND, LUGNUTS, LEPPA, OR ANY OTHER ACTIVITIES IN PRIVACY OF CONTRACT WITH THE CITY OR ITS AGENCIES OR SPONSORED IN PART OR IN WHOLE BY THE CITY OR ITS AGENCIES.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

An Ordinance of the City of Lansing to Amend Chapter 245, Section 245.01 of the Lansing Codified Ordinances by Changing the Permanent Location of the Lansing City Market to Riverfront Park

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Allen, Dunbar, Hewitt, Jeffries, Quinney, Robinson and Wood

Nays: None

By Council Member Robinson

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1150

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 245, SECTION 245.01 OF THE LANSING CODIFIED ORDINANCES BY CHANGING THE PERMANENT LOCATION OF THE LANSING CITY MARKET TO RIVERFRONT PARK.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 245, Section 245.01 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

245.01. Designation of area.

In conjunction with Article 4, Section 301.3(4), of the City Charter, which affirms the City Market as an agency of the City, ON AND AFTER THE COMPLETION OF THE NEW CITY MARKET FACILITY the permanent location of the City Market is hereby established as the area encompassed within the boundaries of ~~East Shiawassee Street on the north, North Cedar Street on the East, Museum Drive on the south and Riverfront Park SOUTH OF EAST SHIAWASSEE STREET AND NORTH OF VACATED MILL STREET on the west, and legally described as:~~

~~Parcel #1: E 250 ft. Lots 1 & 2 also in 98.25 ft. of E 258.5 ft. Lot 3 block 245 original plat.~~

~~Parcel #2: Com 250 ft. W of NE corner of Lot 1, thence S 0000521 W 254 ft., N 8905820 W 8.5 ft., S 0000521 W 98.25 ft., S 8905820 E 258.5 ft., S 0000521 LT W 68 ft., 258.57 ft. on 451.57 ft. RAD curve to it, chord bearing S 7304406 W 255.06 ft., N 3204309 W 212.85 ft., N 0000521 E 323 ft., S 8905820 E 410 ft. to beginning; block 245 original plat.~~

Provided that the establishment of this location shall not restrict the use or development of the air space above the horizontal plane of the parcels or the subsurface below the parcels. THE CITY MARKET LOCATION SHALL NOT CHANGE UNTIL COMPLETION OF THE NEW CITY MARKET FACILITY ON RIVERFRONT PARK.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

An Ordinance of the City of Lansing to Amend Chapter 608, Section 608.04 of the Lansing Codified Ordinances by Providing for the Sale of Alcoholic Beverages at the City Market

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Allen, Dunbar, Hewitt, Jeffries, Quinney, Robinson and Wood

Nays: None

By Council Member Robinson

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1151

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 608, SECTION 608.04, OF THE LANSING CODIFIED ORDINANCES BY PROVIDING FOR THE SALE OF ALCOHOLIC BEVERAGES AT THE CITY MARKET.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter, Section, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

608.04. Restrictions on sale and consumption on public property.

(a) No person shall:

(1) Sell, consume or possess in an open container alcoholic beverages in the public streets, public places, parks, alleys, sidewalks, City owned parking facilities or the Turner-Dodge House, except as provided in this section; or

(2) Sell, consume or possess in an open container alcoholic beverages in a private parking lot or facility, including, but not limited to, shopping center parking lots or parking areas adjacent to commercial establishments which are utilized by patrons of the commercial establishment, unless such person has in his or her possession, in writing, the express permission or consent of the owner or lessee, or the lawful agent of the owner or lessee, of such lot or facility. This paragraph shall not apply to any event sponsored or authorized in writing by the owner or lessee of such premises.

(b) Beer or wine may be sold and/or consumed in City parks, upon approval of the Mayor, if:

(1) For sales of beer and wine, a special license for such sale is obtained from the Michigan Liquor Control Commission and if the Mayor approves the license application prior to the issuance of the license. Approval by the Mayor shall be granted only if the license is to be utilized in conjunction with a City-approved cultural, ethnic or community activity open to the public or if the license is to be utilized in conjunction with a City-approved tourist or convention activity; or

(2) For consumption only, where no sales occur, approval is granted for the consumption of beer and wine at a City-approved cultural, ethnic or community activity open to the public, or in conjunction with a City-approved tourist or convention activity, provided that with respect to either the sale of beer and wine, or consumption, where no sales occur, the requirements set forth in subsections (g), (h) and (i) hereof are met. Prior Mayoral approval shall not be required for the sale and/or consumption of beer and wine at the Turner-Dodge House, Scott House and Park and Cooley Gardens.

(c) Notwithstanding the limitations set forth in subsection (b) hereof, beer or wine may be sold for consumption at Kircher Field or Ranney Field if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the Mayor approves the license application prior to the issuance of the license. Approval of the Mayor shall be granted for the sale and/or consumption of beer and wine at Kircher Field or Ranney Field only in conjunction with City-approved district, State, regional or national adult athletic tournaments and if the requirements set forth in subsections (g), (h) and (i) hereof are met.

(d) Beer or wine may be sold for consumption, and may be consumed, within the grounds of the Turner-Dodge House, Scott House and Park, and Cooley Gardens, provided that all permits required by the Department of Parks and Recreation have been obtained, a special license, if applicable, has been obtained from the Michigan Liquor Control Commission, and the requirements set forth in subsections (g), (h) and (i) hereof are met. Rental fees for the Turner-Dodge House or for events at the Scott House and Park or Cooley Gardens shall be set by resolution of Council. Use of the Turner-Dodge House, Scott House and Park or Cooley Gardens in conjunction with the sale of beer or wine for consumption shall not be limited to public events, but may also include private events.

(e) Beer or wine may be sold for consumption within the concession area or any other area within the perimeter of the Groesbeck Golf Course, provided that, if sold, a license for such sale has been obtained from the Michigan Liquor Control Commission, and provided, further, that any such consumption or sale shall be contingent upon approval by the Department of Parks and Recreation and subject to such rules or restrictions as the Department may establish.

(F) SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES MAY OCCUR WITHIN THE CONCESSION AREA OR ANY OTHER AREA WITHIN THE CITY MARKET OR ITS ENVIRONS, PROVIDED THAT, IF SOLD, A LICENSE FOR SUCH SALE HAS BEEN OBTAINED FROM THE MICHIGAN LIQUOR CONTROL COMMISSION AND THE SALE AND FOR CONSUMPTION OCCURS WITHIN A CLEARLY DEMARCATED AREA IN COMPLIANCE WITH THE LICENSE, AND PROVIDED, FURTHER, THAT ANY SUCH SALES FOR CONSUMPTION SHALL BE CONTINGENT UPON APPROVAL BY THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY (LEPFA) AND SUBJECT TO SUCH RULES OR RESTRICTIONS AS LEPFA MAY ESTABLISH. NOTWITHSTANDING SECTION (I) HEREIN, ANY SUCH APPLICANT SHALL FILE WITH THE CITY CLERK PROOF OF A PERSONAL INJURY AND PROPERTY DAMAGE INSURANCE POLICY INSURING SUCH APPLICANT AGAINST ANY LIABILITY IMPOSED ON SUCH APPLICANT AND/OR THE CITY ARISING OUT OF THE SALE AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES, AND NAMING THE CITY AND LEPFA AS ADDITIONAL INSURED. SUCH POLICY SHALL PROVIDE FOR NOT LESS THAN THE PAYMENT OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) IN THE EVENT OF INJURY TO OR DEATH OF ONE PERSON OR MORE THAN ONE PERSON, AND FOR THE PAYMENT OF NOT LESS THAN FOUR HUNDRED THOUSAND DOLLARS (\$400,000) FOR PROPERTY DAMAGE. THIS REQUIREMENT MAY BE WAIVED OR THE AMOUNTS OF SUCH REQUIRED INSURANCE REDUCED BY RESOLUTION OF COUNCIL FINDING THAT SUCH A REDUCTION OR WAIVER IS IN THE PUBLIC INTEREST.

(fG) Beer or wine may be sold for consumption within the streets, alleys, sidewalks and public places within the boundaries of the Downtown Mall and environs, as defined in Section 812.01 of the Business Regulation and Taxation Code, provided that the following conditions are satisfied:

(1) The request has been approved by the Mayor after the Mayor has received recommendations from the Mall Advisory Board and from any other City department the Mayor may desire recommendations from.

(2) The individual, group or organization making the application obtains a special license for such sale and consumption from the Michigan Liquor Control Commission.

(3) The individual, group or organization has complied with subsections (g), (h), (i) and (j) hereof.

(4) Any other conditions which the Mayor may require have been met.

(gH) The City Clerk shall provide a form on which the applicant shall provide the following information:

- (1) The name and address of the applicant;
- (2) The name of the organization, if applicable;
- (3) The type of event;
- (4) The date of the application;
- (5) The date and time of the event planned;
- (6) The purpose of the event;
- (7) The estimated number of persons attending;
- (8) The name of the insurance company, if applicable, from which the necessary public liability policy will be or has been obtained;
- (9) Proof that the proper rental fee has been paid, if applicable; and
- (10) The security measures which the applicant proposes to utilize.

Upon the applicant's payment of an application fee, as determined by resolution of Council, the City Clerk shall forward the completed application form to the Police Department and to the Department of Parks and Recreation for review.

(hI) Whenever a special license for the sale and/or consumption of beer or wine in City parks, or within the Downtown Mall and environs or upon the grounds of the Turner-Dodge House, Scott House and Park, and Cooley Gardens, is required, the applicant shall file with the City Clerk proof of a personal injury and property damage insurance policy insuring such applicant against any liability imposed on such applicant and/or the City arising out of the sale and/or consumption of beer or wine. Such policy shall provide for not less than the payment of up to three hundred thousand dollars (\$300,000) in the event of injury to or death of one person or more than one person, and for the payment of not less than one hundred thousand dollars (\$100,000) for property damage. Such policy shall have a provision to the effect that the insurance company shall notify the City Clerk at least ten days prior to the expiration of such policy. However, this requirement may be waived or the amounts of such required insurance reduced by resolution of Council finding that such a reduction or waiver is in the public interest.

(iJ) The applicant shall be solely responsible for providing adequate security, in the form of adequate personnel and fencing, as determined by the Department of Parks and Recreation. Approval by the Department of the applicant's plan for security shall be obtained prior to any application being approved or any event being scheduled.

(jK) No person shall sell or dispense beer or wine for consumption in City parks, in any container other than a paper or plastic container. No person shall sell or dispense beer or wine for consumption within the Turner-Dodge House in any container other than a paper or plastic container unless prior written permission has been received from the Department of Parks and Recreation.

(kL) (1) Notwithstanding any provision set forth in this Section 608.04 to the contrary, beer or wine may be sold for consumption on the premises, and may be consumed, at public or private events or functions within the grounds of the Potter Park Zoo Exploration and Discovery Center and Plaza, provided:

- a. Dispensing of beer or wine shall be conducted by persons or entities not affiliated with Potter Park Zoo or any of its auxiliary organizations;
- b. No beer or wine may be sold or dispensed during hours when the Potter Park Zoo is open to the general public;
- c. For sales of beer or wine for consumption on the premises an appropriate license shall be obtained from the Michigan Liquor Control Commission; furthermore, prior mayoral approval is required, which approval shall only be granted in conjunction with a City-approved cultural, ethnic or community activity open to the public, or in conjunction with a City-approved tourist or convention activity;
- d. Intoxicating liquors (i.e. distilled rather than fermented alcoholic beverages) may not be sold on the premises.

(2) Commencing July 1, 2001, rental fees for the Potter Park Zoo Exploration and Discovery Center and Plaza shall be set by resolution of City Council.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

The City Council returned to the order of:

RESOLUTIONS

RESOLUTION #2009-474

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Tim Kaltenbach and his wife, Melissa, have lived on Lansing's Westside for nearly thirty years. They are the proud parents of two grown children, Kristin and Devin; and

WHEREAS, as a graduate of Bradley University with a Bachelor's of Science Degree in Business Management and Administration, Tim achieved employment with the City of New Haven, Michigan as Treasurer and Comptroller; and

WHEREAS, Tim has nearly thirty-five years experience in local and state government, including twenty years working for the Michigan Legislature as a Labor and Economic Development Analyst, Research and Staff Director for the Senate Democratic Office, Deputy Director of the House Democratic Policy Staff, Chief of Staff to the House Democratic Leader, the Executive Director of former Governor Jim Blanchard's Blue Ribbon Commission of Welfare Reform, and as Director of Government Relations for the Michigan Department of Labor; and

WHEREAS, three years after his retirement in 2003 from state government, Tim campaigned for and was elected to the Lansing City Council as the Fourth Ward Council Member; and

WHEREAS, during his service as a City Council Member, Tim served on numerous committees and boards including the Committee on Ways and Means, Committee on General Services, Committee on Public Safety, Capital Region Airport Authority, Principal Shopping District, Downtown Lansing, Inc., Downtown Blue Ribbon, and Lansing Entertainment and Public Facilities Authority; and

WHEREAS, Tim's long history and experience in government has been an undeniable asset to both his constituents and to the Lansing City Council; and

WHEREAS, while generous and kind, he is unafraid to ask difficult questions and hold fast to his convictions; his honest and straight forward approach is a commendable attribute;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to thank Tim Kaltenbach for his dedication and service to the City of Lansing and its residents. We wish you continued success in all your future endeavors.

By Council Member Robinson

Motion Carried

RESOLUTION #2009-475

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in 2006 in an effort to promote economic development in

qualifying communities, the Michigan Legislature passed Act 501 of the Public Acts of 2006, being Section 521a of the Michigan Liquor Control Code of 1998, being MCL 436.1521a, ("Act") which Act established the criteria for development area liquor licenses; and

WHEREAS, pursuant to the Act, a local governmental unit, including the City of Lansing, may authorize the approval of certain on-premises liquor licenses, irrespective of the availability of on-premises licenses from quota, to applicants who will use the license in restaurant and entertainment venues within a designated development area that meets certain established criteria; and

WHEREAS, Section 521a (1)(b) of the Act requires a resolution from the governing body of the community that establishes and certifies the criteria for the development area, including a certification that the community has created a qualifying redevelopment area; and

WHEREAS, the governing body must approve an applicant's request for an on-premise liquor license at a location within the development area before the applicant may apply to the Michigan Liquor Control Commission for a development area liquor license; and

WHEREAS, Simmons Properties, LLC, a legal entity consisting of members who have evidenced a commitment to economic development and growth within the City of Lansing, has requested that the City of Lansing approve a development area liquor license under the Act that it will use at a restaurant located at 325 City Market Drive in Lansing; and

WHEREAS, Simmons Properties, LLC has been informed that final approval of a liquor license at its 325 City Market Drive location is subject to approval by the Michigan Liquor Control Commission and a background investigation and approval by City Council;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council makes the following findings in accordance with the requirements of MCL 436.1521 a:

- a. In 1996 the City of Lansing Created a Principal Shopping District as a qualifying redevelopment area pursuant to Michigan law, specifically MCL 125.981 *et seq.*
- b. Simmons Properties, LLC at 325 City Market Drive in the City of Lansing is within the Principal Shopping District and is approved for a liquor license authorizing the sale of beer wine and spirits for consumption on its premises (a so called "Class C" liquor license) pursuant to the development area licensing provisions of the Act, above all others at 325 City Market Drive, Lansing, Michigan, pursuant to MCL 436.1521a.

By Council Member Robinson

To place an affirmative roll on the resolution

By Council Member Robinson

To amend the NOW, THEREFORE, BE IT RESOLVED clause following "MCL 125.981 *et seq.*" by striking the remainder of the clause and inserting "b. Simmons Properties, LLC at 325 City Market Drive in the City of Lansing is within the Principal Shopping District and is approved for a liquor license authorizing the sale of beer wine and spirits for consumption on its premises (a so called "Class C" liquor license) pursuant to the development area licensing provisions of the Act, above all others at 325 City Market Drive, Lansing, Michigan, pursuant to MCL 436.1521a."

Motion Carried

The question being the motion to place an affirmative roll on the resolution

Motion Carried

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Council Member Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the placement on file of the Board of Water and Light's proposed rate changes effective March 1, 2010

RECEIVED AND PLACED ON FILE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letter from the City Assessor providing notice of the retirement from the Board of Review by Eddie Thomas

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- c. Letters from the Mayor re:
 - i. ACT-5-09; 313 E. Grand River Ave., Thelma Joyce Osteen Comfort Station, Market for Sale

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Transfer of Funds; State/Federal Programs, Public Act 32, Training

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Department of Environmental Quality providing notice of Delhi Charter Township's application to construct a bridge and boardwalk impacting wetlands and the Sycamore Creek for the purpose of providing a non-motorized regional recreational trail system; Currently phase one of three is proposed with a total length of 1,500 feet; Proposed in phase one is a 10-foot wide by 1,350-foot long elevated boardwalk in wetland that includes an 80-foot long by 10-foot wide bridge over the Sycamore Creek

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- b. Letter from Comcast Cable providing notice of the acquisition of commercial subscribers of CIMCO and submitting related documents thereto

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD AND REFERRED TO THE CITY ATTORNEY

- c. Letter of Resignation from the Human Relations and Community Services Advisory Board submitted by Toni Young

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Grass and Weeds Claim Appeal filed by Patricia Abood for property located on E. Hillsdale St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Letter from John Pollard, Treasurer of the City Hall Recall Committee, requesting a City Council investigation and public hearing regarding the appointment of Tina Houghton to the Park Board and her candidacy for City Council

REFERRED TO THE BOARD OF ETHICS AND REFERRED TO THE CITY ATTORNEY

MOTION OF EXCUSED ABSENCE

By Council Member Dunbar

To excuse Council Member Kaltenbach from tonight's proceedings

Motion Carried

REMARKS BY COUNCIL MEMBERS

City Clerk Swope read the following letter from the City of Lansing Employee Food Drive Committee:

December 10, 2009

We are wrapping up our second annual City of Lansing Employee Food Drive and we were able to collectively reach our goal of 15,000 lbs of food with cash and food donations for the Mid-Michigan Food Bank. Many, many thanks to our employees and citizens who helped us exceed our 15,000 lb. goal but most of all many thanks to the Lansing City Council for your continued support. Your willingness to contribute, along with others' combined efforts, assist so many locally. One dollar equals to 7 meals--approximately 5 lbs. of food! During these economic times this demonstration of "goodwill towards man" is ringing true in our community.

Thank you again for the contribution.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the next Mobile Food Pantry. He addressed comments made by a speaker tonight regarding federal stimulus money to be used for the Wastewater Treatment Plant and the Accident Fund parking structure.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Michael Morofsky of 1300 Woodbine Ave. spoke about the Lansing Police Department.

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city

matters.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

Willy Williams of P.O. Box 11042 spoke about various city matters.

Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.

Apaxu Maiz of 724 e. Genesee St. spoke about various city matters.

L.W. Morrow of 3030 Paul Ave. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Christine Timmon of P.O. Box 14927 spoke about various city matters.

Randy Brown of 1146 ½ N. Pennsylvania Ave. spoke about property located at 815 E. Grand River Ave.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Gary Andrews of 560 Brookland Blvd. spoke about cable television

Kathy Langschwager of 1328 Prospect St. spoke about various city matters.

ADJOURNED TIME 9:41 P.M.

CHRIS SWOPE, CITY CLERK